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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 27th August, 1963 :—

Issue No.	No. and Date	Issued by	Subject
160	S.O. 2439, dated 23rd August, 1963.	Ministry of Scientific Research and Cultural Affairs.	The International Copyright (Fourth Amendment) Order, 1962.
161	S.O. 2440, dated 23rd August, 1963.	Central Board of Revenue.	The Super Profit-Tax Rules, 1962.
162	S.O. 2441, dated 24th August, 1963.	Ministry of Steel and Heavy Industries.	Maximum Base prices of Wires.
163	S.O. 2442, dated 24th August, 1963.	Ministry of Information and Broadcasting.	Approval of films specified therein.
164	S.O. 2443, dated 26th August, 1963.	Delimitation Commission.	Delimitation of numbers of seats to be assigned in the Legislative Assembly of each State etc.
165	S.O. 2444, dated 26th August, 1963.	Election Commission, India.	Calling upon elected members of the Legislative Assembly of West Bengal to elect a person to fill the vacancy caused by the death of Shri Parnalal Sarangi.
	S.O. 2445, dated 26th August, 1963.	Do.	Appointing dates etc. for the election referred to in S.O. 2444 above.
	S.O. 2446, dated 26th August, 1963.	Do.	Fixation of hours for the election referred to in S. O. 2444 above.
	S.O. 2447, dated 26th August, 1963.	Do.	Designating the Secretary, West Bengal Legislative Assembly, to be the Returning Officer for the election referred to in S.O. 2444 above.

Issue No.	No. and Date	Issued by	Subject
	S.O. 2449, dated August, 1963.	26th Election Commission, India.	Appointing Shri Shyamapada Banerjee, Deputy Secretary, West Bengal Legislative Assembly, to assist the Returning Officer for the election referred to in S.O. 2444 above.
166	S.O. 2507, dated August, 1963.	Ministry of International Trade.	Further amendment to the Exports (Control) Order, 1962.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

### PART II—Section 3—Sub-section (ii)

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).**

#### ELECTION COMMISSION, INDIA

*New Delhi, the 28th August 1963*

**S.O. 2518.**—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the order pronounced on the 6th August, 1963 by the Election Tribunal (I), Chandigarh.

#### BEFORE THE ELECTION TRIBUNAL (I), CHANDIGARH (PUNJAB)

PRESIDED OVER BY:

Mr. S. N. Sahai—Member

ELECTION PETITION No. 233 OF 1962

(Rohtak Parliamentary Constituency)

1. Ch. Randhir Singh, son of Shri Chandgi Ram, Advocate, Sonapat—*Petitioner.*

*Versus*

1. Ch. Lehri Singh, Advocate, Rohtak,
2. Shri Laxmi Narain, Trivaskas, Mandir, Sonapat,
3. Shri Laxman Singh, Chhotu Ram Bhawan, Rohtak,
4. Shri Sarup Singh, B.A., LL.B., Pleader, Gohana,
5. Shri Karan Singh Malik, Village Bhaigan, Tahsil Sonapat.
6. Shri Phool Singh, Village Nidana, Tahsil Gohana—*Respondents.*

#### JUDGMENT

This is an election petition filed under section 81 of the Representation of the People Act, 1951 (hereinafter called the Act), by Ch. Randhir Singh, a defeated candidate for a seat in the House of the People from Rohtak Parliamentary Constituency in the State of Punjab challenging the election of Ch. Lehri Singh, respondent No. 1, the returned candidate. The prayer in this petition is that the election of the respondent No. 1 be declared void and be set aside and the respondent No. 1 having been guilty of corrupt practices specified in the petition be declared disqualified for membership to the Parliament and the legislature of

every State and for voting at any election for six years. It is further prayed that the petitioner may be awarded the costs of this petition.

The petitioner and the respondent No. 1 alongwith five others were duly nominated as candidates for election from the aforesaid constituency in the House of People. The polling took place on the 24th February, 1962 and the result was declared on the 27th February, 1962 and a declaration to that effect was published in the Government of India Gazette Extraordinary, dated March 3, 1962. The petitioner stood as a candidate of the Congress party, the returned candidate, Ch. Lehri Singh, was set up by the Jan Sangh Party, while the other respondents were independent candidates.

The election of the returned candidate is challenged on the grounds, *inter alia*,

- (a) That Shri Laxman Singh who was a duly nominated candidate from the foresaid constituency was induced by the respondent No. 1, in order to further his prospects in the election, to withdraw from the contest after being paid Rs. 2,000/- as illegal gratification on 29th January, 1962 at Chhotu Ram Brawan, Civil Lines, Rohtak.
- (b) That the respondent No. 1 offered as gratification and reward his all out help in money, transport, publicity, propaganda and votes under his influence in Gathwala sub-caste and in other villages of Gohana and Sonapat tahsils to Shri Sarup Singh pleader, respondent No. 4, who was simultaneously a contesting candidate from both Gohana Assembly Constituency and Rohtak Parliamentary Constituency, on the condition that Shri Sarup Singh withdrew from the contest from Rohtak Parliamentary Constituency, which he ultimately did, on receipt of a sum of Rs. 5,000/- from the respondent No. 1 for transport, publicity and propaganda on 28th January, 1962 at Rohtak.
- (c) That the respondent No. 1 induced Shri Phool Singh respondent to contest and stand for election from Rohtak Parliamentary Constituency as a backward class candidate to further the prospects of his election by dividing the votes of the backward classes and made a gift of one transport vehicle No. DLF 6615 belonging to Shri Risal Singh of Karala (Delhi State) as illegal gratification. By this corrupt practice the respondent No. 1 was able to divert a large section of backward class Congress votes to Shri Phool Singh who styled himself as a candidate of the backward classes.
- (d) That the respondent No. 1, in order to further the prospects of his election and with the object of directly or indirectly interfering with the free exercise of votes by the electorate, committed the corrupt practice of making an appeal for votes on the basis of religion, caste, race and community. He excited the religious sentiments of the Hindu electorates by dubbing and condemning the Punjab Congress regime as a rule of Sikh religion where the rights, interests, privileges and the life of Hindus and the Hindi region people were not safe and where Gurmukhi was imposed on the Hindus to convert them into Sikhism. He denounced the Congress regime under Sardar Pratap Singh Kairon, the Chief Minister of Punjab, as a Sikh regime meant to obliterate Hinduism and said that to vote for the Congress was to establish the rule of the Sikhs in Punjab. In order to achieve this object the respondent No. 1 got published several posters, one of them being "Congress sarkar ka Hariana prant ke sath sotili man ka saluk". This poster is in Hindi and is annexure "X" to the petition. (It has been exhibited as Ex. P5.) The portion to which exception is taken in this annexure is the portion marked A to A which reads as follows:—

"Yadapi soyam sarkar hi tamam rajya ko ek Sikh raj bana chuki hai aur Hindi chetna ki pukar ko Pt. Shri Ram Sharma, Ch. Shri Chand, Prof. Shri Singh, Ch. Devi Lal, Rao Birendra Singh itwad ko rahi netik akhara se door kar ke goonge rahalwanon ko bharti kar rahi hai taki aise wale panch salon men Sikh rajya ki banawat ko pura kar diya jawe.

Gurmukhi lipi zabardasti Hariana prant ke balkon par thonsi ja rahi hai taki we Sikhon ke adhin ban jawen. Aisi dasha men Hariana niwasion ka kartavya hai ki Congress ke banawati jhanson me na

awen aur Congress ke dwara tamam Punjab ko ek Sikh rajya hone se bachawen."

It is alleged that this was an appeal to the religious sentiments of the innocent electorate, major section of them being illiterate, with the intention of giving a wrong impression that there was a purely Sikh raj in the Punjab, most arbitrary, despotic and aggressive in character. The respondent No. 1 not only got this leaflet printed and published, but it is alleged that he along with his agents and supporters, whose names are given in paragraph 6(a) of the petition distributed it along with other posters in every village, town and city of Rohtak Parliamentary Constituency, particularly in big villages and towns, Shri Lehri Singh held public meetings between 1st January and 23rd February, 1962 in about 150 big villages, in all towns and cities where the respondent No. 1 himself distributed these posters in the meetings and in his round in the villages.

- (e) That in villages Pur Khas, Chulkana, Khubra, Panchi Jatan, Mahra, Jaun, Sheikhpura, Ahulana, Ganaur, Malikpur, Jainpur, Titola, Bega, Datoli, Pipli Khara, Larshasuli, Murthal, Kurar, Bayyanpur, Harsana, Lehrara, Rohat, Kakroi Bhandana, Bhatgaon, Mchlana, Barwasni, Pinana, Guhana, Mohana, Tilhar, Silinsar Majra, Chitana, Garhi Rajlu, Suragthal in Sonapat tahsil and in Sonapat town the respondent No. 1 being a Jan Sangh candidate and supported by Haryana Lok Samiti hoisted Bhagwa flag with 'OM' religious symbol in the middle, the official flag of the Haryana Lok Samiti and also Bhagwa flag of Jan Sangh on his stage and made special appeal for votes in his favour in the name of these religious symbols. The respondent No. 1 in the election campaign had got 'OM' flag fixed on the bonnet of his car and on the transport of his agents and supporters. According to the petitioner this display of Om flag by the respondent No. 1, his agents and supporters on the stage and their transport throughout the Rohtak Parliamentary Constituency constituted a major corrupt practice.
- (f) That the respondent No. 1 in order to further the prospects of his election issued another poster under the caption "Kairon Shahi ka Haryana ke saath attachar" (The Urdu print of this poster is Annexure "Y" while the Hindi print is Annexure "Z". In these posters it is alleged that an appeal was made to voters on the basis of race, caste, community and religion. It is alleged that this poster was read out by the respondent No. 1 himself in his public speeches in villages and towns in Rohtak Parliamentary Constituency as mentioned in other paragraphs and he himself distributed these posters to voters in public meetings and in his rounds to the villages and town during his election campaign till the date of the poll. The respondent No. 1 and his agents and supporters mentioned in paragraph 6(c) of the petition and other paragraphs at his instance published by posting and distributing another poster, Annexure "C" (Ex. P2) under the caption 'Appeal banam rai dehandgan Rohtak Parliamentary halqa'. According to the petitioner this amounted to a corrupt practice as it attempted to interfere with the free exercise of the electoral rights of the electorates at large as an appeal was made therein on the basis of race, community and caste.
- (g) That the respondent No. 1 was guilty of corrupt practices as he by issuing two posters Annexures "B" and "D" tried to harm the prospects of election of Lachhmi Narain respondent.
- (h) That on or about 20th February, 1962 at 11 A.M. the respondent No. 1 came to village Joli, Tahsil Gohana and addressed a public meeting there making an appeal to the voters to cast their votes in his favour in the name of religion and in the name of religious symbol. He is also alleged to have hoisted Om ka Jhanda and Bhagwa flag on the stage. He implored the voters to save the Hindus of Haryana and the honour of Om Ka Jhanda from the rule of Sikh religion in Punjab. He is alleged to have distributed posters mentioned earlier, and read out some of the portions of these posters in the meeting.
- (i) That on 21st February, 1962, respondent No. 1 addressed a public meeting in village Gamri and made an appeal to the voters on the basis

of caste and sub-caste saying that he was their brother from Gathwala sub-caste, whereas the petitioner Ch. Randhir Singh was their enemy and thus those who did not vote for him were not the sons and children of Gathwala Khas. This was clearly an appeal for votes on the ground of caste and constituted a corrupt practice.

Ch. Lehari Singh, respondent No. 1 in his written statement denied the commission of any of the said corrupt practices. He raised a number of preliminary objections. They are:—

1. The election petition has not complied with the provisions of Section 81 of the Act inasmuch as the copies of the election petition have not been attested by the petitioner under his own signatures to be a true copy of the petition.
2. The petitioner has not complied with Section 117 of the Act and the deposit has not been made as required by the Act.
3. The petition is vague and defective as full particulars have not been given in the petition.
4. The affidavit filed by the petitioner does not comply with the Act and Rules.
5. The petitioner has not specified in the prayer clause, the grounds on which he is seeking to have the election set aside and as such the election petition is not competent. The vague prayer that the election should be set aside without particularising the grounds makes the petition defective and it cannot be held to have been properly filed.

It was further stated in the written statement that the allegations made in paragraph 5 of the petition were wholly false. The respondent No. 1 categorically denied payment of Rs. 2,000/- to Shri Lachhman Singh, one of the respondents, as illegal gratification on the 29th January, 1962 as a consideration for Shri Lachhman Singh's withdrawing from the contest from the Rohtak Parliamentary Constituency. He also denied payment of Rs. 5,000/- to Shri Sarup Singh in consideration of his withdrawing from the contest from the aforesaid constituency. He further denied that he set up Shri Phool Singh, one of the respondents, as a candidate from Rohtak Parliamentary Constituency in order to divide the Congress votes of the backward classes.

The respondent No. 1 admitted the issuing of posters Annexures X, Y and Z and C. Posters Annexures B and D do not form the subject of controversy in this case now. So far as Annexure X is concerned he admitted its contents except the portion A to A marked therein. He categorically denied that posters X, Y and Z were distributed by him or by anybody on his behalf with his consent during the election days. According to him these were printed in very small number at a time even when the notification calling the constituency to election had not been gazetted. He admitted that Annexure C (Ex. P2) was freely distributed on his behalf during the election days. He asserted that the interpretation put on these posters by the petitioner was wholly erroneous and unjustified. He also denied the use of Om flag either in any meeting or on his car or transport vehicles by any one of his supporters or agents with his consent during the election days. He further stated that so far as Annexure Y or Z are concerned their publication did not constitute any corrupt practice as no appeal was made to electors to vote or refrain from voting for any person on account of caste, race, community or religion. According to him the said posters contained only a criticism of the policies pursued by the local Government and only reproduced the figures from the memorandum submitted to Dasg Commission which had been set up by the Government of India.

The respondent No. 1 denied the allegations made in paragraphs 7 and 8 of the petition. He emphatically denied that in the meeting at village Jnoli he had made an appeal to the people present there to cast their votes in his favour in the name of religion or any religious symbol and also denied that he ever appealed to the voters in village Gamri on 21st February, 1962 to vote on the basis of caste and sub-caste. Lastly, he denied that he had committed any one of the corrupt practices specified in the petition. It was contended that the petition was liable to be dismissed and the respondent No. 1 was entitled to get his costs.

So far as the preliminary objections on behalf of the respondent No. 1 are concerned they have been disposed of by my order dated August 14, 1962.

On the pleadings of the parties the following issues were framed:—

1. Did Shri Lehri Singh pay on 29th January, 1962 to Shri Laxman Singh, respondent No. 3, a sum of Rs. 2,000/- as illegal gratification in order to induce him to withdraw from the contest. If so, with what effect?
2. Did respondent No. 1 commit the corrupt practice as detailed in paragraph 5(b) of the petition?
3. Did respondent No. 1, in order to further the prospects of his election, appeal to the voters on the basis of religion, race, caste and community and in furtherance of it issue poster Annexure X and thereby commit the corrupt practice mentioned in Section 123(B) of the Representation of the People Act?
4. Did respondent No. 1 and his agents and supporters, with his consent, commit the corrupt practice of exercising undue influence on the voters of the constituency by exploiting their religious sentiments?
5. Did respondent No. 1 and his supporters with his consent, in order to further the prospects of his election, use the flag Om ka Jhanda on their transport vehicles? If so, with what effect?
6. When and by whom was the poster Annexure C distributed? What is its effect?
7. Did respondent No. 1 read out and make use of the above poster in his public meetings during his election campaign? If so, what is its effect?
8. What is the effect of the publication and distribution of the poster Annexure C?
9. Did respondent No. 1 commit the corrupt practice as detailed in paragraph 7 of the petition?
10. Did respondent No. 1 commit the corrupt practice mentioned in paragraph 8 of the petition?
11. Whether the allegations made by the petitioner constitute corrupt practice, as defined in Section 123 of the Representation of the People Act, 1951?
12. Are the allegations of corrupt practice made in clause (b) of paragraph 5 vague and indefinite? If so, with what effect? If the allegations are proved against the returned candidate, what is its effect?
13. Were the poster Annexure X, which is in Hindi and poster R-1, Urdu version of the same published either before or after the notification issued by the Government of India calling the constituency to election?
14. Whether the posters aforesaid were distributed by the returned candidate or by his agents during the period of election?
15. Whether the persons specifically mentioned in paragraph 6(a) of the petition were the agents of the returned candidates? If so, did they distribute the posters complained of during the period of election or even earlier when he had declared himself a prospective candidate of the constituency? If they were agents, did they act with the consent of the returned candidate?
16. Did respondent No. 1, in order to further the prospects of his election and for prejudicially affecting the election of the petitioner, use Bhagwa flag with 'Om' inscribed thereon in his public meetings specifically mentioned in paragraph 6(b) during 1st January, 1962 and 23rd February, 1962, and did he appeal to the voters on the basis of the aforesaid symbol? If so, with what effect?
17. Did the returned candidate by issue of posters Annexures (X/Y) try to further the prospects of his election by appealing to the electors to vote for him on the basis of race, caste, community and religion?

18. Is the election of respondent No. 1 liable to be set aside?
19. To what relief, if any, is the petitioner entitled?

#### FINDINGS

##### *Issues Nos. 1, 2 and 12—*

On the 19th April, 1963 Mr. Rajendra Swarup Mital, learned counsel for the petitioner, accompanied by the petitioner stated before me that the petitioner was withdrawing all the allegations contained in paragraph 5 and clauses (e) and (f) of paragraph 6 of the petition. In view of the aforesaid statement these three issues are not pressed and are decided against the petitioner.

##### *Issues Nos. 3, 6, 7, 8, 13, 14, 15 and 17—*

These issues may conveniently be taken up together. The petitioner is an Advocate of the Punjab High Court and is at present practising as a lawyer at Sonapat. The respondent No. 1 had been a member of the Congress organisation from 1937 to 1961. He was a member of the Legislative Assembly on the Congress ticket from 1946 to 1961. He had been a Minister of this State continuously from 1946 to 1956 with a short break during the Governor's Rule. He had applied for a Congress ticket for a seat in the Parliament in the last general election on July 29, 1961 and according to the instructions issued by the Congress High Command he had deposited a sum of Rs. 2,700/- as security also. His version is that on 3rd September, 1961 he was refused a Congress ticket by the Congress High Command and instead of that he was offered a ticket for a seat in the local Assembly from Gannaur constituency. According to the respondent No. 1, after this refusal he decided to leave the Congress organisation. Accordingly he severed his connections with it. His resignation from the Congress prompted enquiries from him from different quarters. To explain his position he issued three posters.

One of the posters was paper No. R-1, "Punjab Congress Sarkar ka Haryana prant ke sath sautili man ka saluk". This poster has been filed by the petitioner also and is Annexure 'X' (Ex. P5). The respondent No. 1 does not admit the portion marked A to A in Ex. P5. According to him there are mistakes in it.

The second poster is Ex. R6, which is to be found on the reverse of paper No. R-1, "Congress main ne kyon choori".

The third poster is Ex. P3. It is: "Kairo Shahi ka Haryana ke sath attyachar." Its Urdu version is Ex. P3 and Hindi version is Ex. P4.

The respondent No. 1 stated that these posters were printed and published near about 10th of December, 1961. But this fact is challenged on behalf of the petitioner. According to the petitioner these posters were printed and published much later and were distributed during the election days. The respondent No. 1 further stated that when he issued these posters he had given up his intention to seek election any more, but on being approached by the members of the Jan Sangh party and on the insistence of some of his friends he joined the Jan Sangh party and on January 20, 1962 he filed his nomination papers for the Parliamentary seat from Rohtak Constituency. His version is that in the first week of February 1962 he issued another poster (Ex. P2) under the caption "Appel banam rai dehandgan Rohtak Parliamentary halqa". He admitted that this poster was widely distributed during the election days in the entire constituency. He denied that the posters Exs. P3, P4 and P5 were distributed by him or anybody else on his behalf during the election days.

The petitioner has given up his case regarding Annexures B and D in the course of evidence as he has not produced any evidence relating to them.

Even at the time of hearing of the preliminary objection I had, after hearing the parties, decided that no issue would be framed in respect of these two posters.

It has been strenuously contended before me on behalf of the petitioner that the respondent No. 1 became a candidate within the meaning of clause (b) of section 79 of the Act, when he applied for a Congress ticket on 29th July, 1961 and deposited a sum of Rs. 2,700/- with the Punjab Pradesh Congress Committee, Chandigarh. According to respondent No. 1, after he was refused Congress ticket on December 3, 1961 he had decided not to seek election, but on being persuaded by some of his friends and having been approached by the Jan Sangh party, he joined the Jan Sangh party and filed his nomination papers on January 20,

1962 and from that day he gave himself out as a candidate for the Rohtak Parliamentary seat and not earlier, as alleged by the petitioner.

The fact that the respondent No. 1 applied for a Congress ticket to the local Pradesh Congress Committee on 29th July, 1961 is admitted by the respondent No. 1. But according to him, he was not certain of getting the Congress ticket from Rohtak Parliamentary Constituency till the 3rd of December, 1962 as his application for the Congress ticket was pending till then and he had formidable rivals in the field and ultimately the petitioner succeeded in getting the Congress ticket. In these circumstances he could not have declared himself as a candidate from the aforesaid constituency earlier than 3rd December, 1961.

It has been contended on behalf of the petitioner that the respondent No. 1 became a candidate within the meaning of clause (b) of Section 79 of the Act when he applied for a Congress ticket on July 29, 1961 and deposited a sum of Rs. 2,700/- with the Pradesh Congress Committee, Chandigarh. In support of this contention reliance has been placed upon the case of *Khader Sheriff v. Munnuswami Gounder*, reported in 11 E.L.R. 208 (A.I.R. 1955 S.C. 775).

In the aforesaid case the election of the returned candidate was challenged on the ground that he had failed to disclose in his election return two sums of Rs. 500/- each spent for election purposes and that with the addition of those amounts the maximum specified had been exceeded. As regards the first amount of Rs. 500/- the facts found were that on the 12th September, 1951 he applied to the Congress Committee for permission to contest the election as a Congress candidate and along with his application he paid Rs. 500/- out of which Rs. 100/- were subscription for membership and Rs. 400/- were liable to be returned under the rules in case the applicant was not adopted as a candidate but not otherwise.

The second payment of Rs. 500/- was on September 23, 1951 to the North Arcot District Congress Committee which was in charge of the Ranipat constituency. The Tribunal held that both these sums were paid for purposes of election and should have been included in the return made by the returned candidate, and that if they were to be included the maximum prescribed exceeded and therefore Section 123(7) had been contravened and accordingly it declared the election void under Section 102(2) of the Act. There was an appeal to the Supreme Court by the returned candidate and while dismissing it the Supreme Court observed:

"When, therefore, a question arises under Section 79(b) whether a person had become a candidate at a given point of time, what has to be seen is whether at that time he had clearly and unambiguously declared his intention to stand as a candidate, so that it could be said of him that he held himself out as a prospective candidate. That he has merely formed an intention to stand for election is not sufficient to make him a prospective candidate, because it is of the essence of the matter that he should hold himself out as a prospective candidate. That can only be if he communicates that intention to the outside world by declaration or conduct from which it could be inferred that he intends to stand as a candidate. Has that been established in this Case? When the appellant made the payment of Rs. 500/- to the Tamil Nad Congress Committee, did he merely evince an intention to stand as a candidate, or did he hold himself out as a prospective candidate? The application contains a clear declaration of his intention to contest the election, and that declaration is backed by the solemn act of payment of Rs. 500/-. The appellant had thus clearly and unambiguously conveyed to the Committee his intention to stand as a candidate, and he thereby became a prospective candidate within the meaning of Section 79(b). The possibility that the Congress might not adopt him as its candidate does not, as already mentioned, affect the position, as the section has regard only to the volition and conduct of the candidate. It is true that if the Congress did not adopt him, the appellant might not be able to stand for election. But such a result is implicit in the very notion of a prospective candidate and does not militate against his becoming one from the date of his application."

It was contended on behalf of the returned candidate in that case that Section 123(7) and Rule 117 had reference only to expenses incurred by a candidate or his agent, that the appellant having been nominated as a candidate only on 11th



November, 1951 and that as Rs. 500/- were paid by him to the Tamil Nad Congress Committee on the 12th September, 1951 which was long before the filing of the nomination paper, the provisions aforesaid had no application. While rejecting this contention the Supreme Court observed:—

“‘Candidate’ means a person who has been or claims to have been duly nominated as a candidate at any election and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate.”

Under this definition which applies to Section 123(7), all election expenses incurred by a candidate from the time when, with the election in prospect, he holds himself out as a prospective candidate and not merely from the date when he is nominated, will have to enter into the reckoning under Rule 117 read with Schedule V. That the election was in prospect when the amount of Rs. 500/- was paid is clear from the very application of the appellant dated 12th September, 1951 wherein he states that he desires “to contest as a Congress candidate in the forthcoming election.”.....

It was also urged on behalf of the appellant that the declaration was made not to the constituency in the North Arcot District but to the Central Committee at Madras, and that unless there was proof of holding out to the electorate, the requirements of Section 79(b) were not satisfied.

But this plea was also rejected on the ground that “it may be that the holding out which is contemplated by that section is to the constituency; but it is the Central Committee that has to decide who shall be adopted for election from the concerned constituency any declaration made to the Committee, is, in effect addressed to the constituency through its accredited representative”.

The point in issue in the present case is entirely covered by the aforesaid decision and it has to be held that the applicant became a prospective candidate when he made an application accompanied by a payment of Rs. 2,700/- on July 29, 1961.

In view of the above finding a volume of evidence produced on behalf of the petitioner in respect of the allegation that the respondent No. 1 had declared four months earlier to the date of poll to different persons at different places his intention that he was determined to seek election from the Rohtak Parliamentary Constituency whether he got the Congress ticket or not, and the further evidence on behalf of the petitioner in respect of time and the date of the printing, the publication and the distribution of the posters Exs. P2 to P5 and the evidence in rebuttal produced by the respondent No. 1 have now become immaterial and need not be considered now. The fact that these posters were printed and got published by the respondent No. 1 was admitted by him. What he asserted was that Exs. P3 to P5 were printed, published and distributed long before the filing of his nomination paper and as such even if they were incriminating ones they could not constitute any corrupt practice. But in view of my finding that he became a prospective candidate since July 29, 1961 this plea of his has to be rejected and these posters will be deemed to have been printed, published and distributed during the election days.

Mr. Sachar, learned counsel for the respondent No. 1, has urged before me that in the absence of any allegation in the petition or any issue, any evidence that an appeal was made for votes on behalf of the respondent No. 1 on the ground of language has to be discarded. Mr. Anand Swarup, learned counsel for the petitioner, has fairly conceded that there is no such definite allegation in the petition. But the fact that in the posters filed by him there is a reference that the teaching of Gurmukhi language was being made compulsory by the State Government, it would amount to an appeal for votes in the name of language. I regret I cannot accept this contention. A mere criticism of the policy of the Government on a language issue could not amount to an appeal on the basis of language. There is nothing in these posters to show that Gurmukhi was criticised as not being a proper or good language. In support of his contention the learned counsel for the respondent No. 1 has invited my attention to the following observations made by a division Bench of the Punjab High Court in the case of *Ram Phal V. Braham Prakash*, reported in A.I.R. 1962, Punjab 129

“According to the law of pleadings and proceedings it is difficult to permit a party to proceeding to travel outside his pleadings and the issues. This would

be all the more so in the case of election petitions because the standard of proof in such cases is, generally speaking, that of criminal trials which require strict proof of the charge as levelled in the petition.

Thus the Election Tribunals, when dealing with serious questions of commission of corrupt practices are expected during the course of trial to keep to the forefront in their mind the precise allegations in the pleadings and to see that no evidence outside them is brought on the record. Parties are undoubtedly there to safeguard their own interests but, as has often been said, an election petition is not only a private contest between the parties to it, but the whole constituency is interested in its proper and fair trial and indeed, it is also the duty of the Tribunal trying the election petition to be alert and vigilant when recording evidence so as to ensure that no evidence which is outside the pleadings and the issues happen to come on the record by sheer inadvertence. It is a firmly established rule that no evidence can be looked at which is not covered by the pleadings and the issues".

I think the petitioner was conscious of this omission and, therefore, produced very little evidence on this point. I accordingly hold that what little evidence that has come on the record on this point will not be taken into consideration.

The question for determination is whether the specific passages taken exception to by the petitioner came within the mischief of section 123(3) and 123(3A) of the Act and amount to corrupt practice.

The fact that the petitioner as well as the returned candidate are Hindus and their mother tongue is Hindi is admitted by them. I propose to give here the incriminating passages in each of the posters Exs. P2 to P5 to which exception has been taken on behalf of the petitioner. In Ex. P5 exception is taken to the portion which runs as follows:—

"Yadipi soyam sarkar hi tamam rajya ko ek Sikh rajya bana chuki hai aur Hindi Kshetra ki pukar ko Pandit Shri Ram Sharma, Ch. Sri Chand, Prof. Sher Singh, Ch. Devi Lal, Rao Birendra Singh ityadi ke raj netik akhar se door kar ke gunge pahalwanon ko bharti kar rahi hai taki anewale panch sallon men Sikh raj ki banawat ko pura kar diya jaye. Gurmukhi lipi zabardasti Haryana prant ke balkon par thonsi jai rahi ta ki we Sikhon ke adhin ho jain. Aisi dasa men Haryana niwasion ka kartavya hai ki Congress ke banawati jhanson men na awen aur Congress ke dwara taman Punjab ko ek Sikh raj hone se bachawaen."

The respondent No. 1 admits the contents of this poster except the portion marked A to A. He denies that the word "ek Sikh raj bana chuki hai" were originally in it. The real words were "ek Sikh Raj bana rahi hai".

In posters Exs. P3 and P4 which are headed "Kairon Shahi ka Haryana ke sath attyachar", exception is taken to the following passage:—

"Congress High Command ne tamam Punjab ko ek tarah se Sikhon ko de dia."

The figures quoted in these exhibits have been taken from the memorandum submitted by the Haryana region to Dass Commission.

In poster Ex. P2 which is headed "Appeal banam rai dehandgan Rohtak Parliamentary halqa" objection is taken to the following passage:—

"Punjab state ka raj ek shaksh ke hath men diya hua hai. Jis ne Haryana men rahne wale logon ko ghulam bana kar Hindi prant ko Punjabi ilaqa ka Gitwar bana diya hai....".

"Main Haryana prant ke basion se appeal karta hon ke we Haryana Nasik Congress jamat ke ummedwaron ko rai na den aur Congress ke khilaf ummedwaron ko rai de kar kamyab banayen ta ki wah Haryana niwasion ko pura haq dilane me koshish kar saken. Maupuda zamane ki Congress ko fail karne aur girane men ap ka aur Haryana prant ka bhala hai."

It is urged by Shri Anand Swarup that the passages in the above-mentioned posters, the publication and distribution of which were not denied by the respondent No. 1 amounted to an appeal on the basis of religion and community. On behalf of the respondent No. 1 it is urged by Mr. Sachar that these isolated passages in those posters should not be taken into consideration independently

of the context and other matters in the posters, but they should be read as a whole. In support of this contention he has relied upon the case of State of Behar V. Shailabala Devi, reported in A.I.R. 1952 S.C. 329, in which it was held that:—

"In order to determine whether a particular document falls within the ambit of any of the clauses of Section 4(i), the writing has to be considered as a whole and in a fair and free and liberal spirit, not dwelling too much upon isolated passages or upon a strong word here and there, and an endeavour should be made to gather the general effect which the whole composition would have on the mind of public."

The contention raised by Mr. Sachar has to be upheld. I now propose to deal with the question whether any appeal was made on behalf of the respondent no. 1 on the basis of religion. I have read and re-read the posters but I do not find that in any one of them there is an appeal on behalf of the returned candidate that votes should be cast for him on the ground that he was a Hindu or a supporter of Hindus or Hindu cause, while the petitioner, though a Hindu, was antagonistic to its cause or was a bad Hindu.

In the aforesaid it will be found that there is no criticism of the petitioner on the ground of his religion or community. As a matter of fact, his name does not find place in any one of them. Reading those posters makes it abundantly clear that the respondent no. 1 was bitterly critical of the STATE Government for its step-motherly treatment to the Hindi speaking area since the present Government has come in power in this State.

It is true that he has criticised the Government of its policy in introducing compulsory teaching of Gurmukhi on the children reading in Hindi speaking area. He has also criticised that there was preponderance of people living in Punjabi speaking area in services and also that the Punjabi speaking area was more favourably treated in respect of education, irrigation, power and beneficial development projects etc.

It is also stated that the Government of the day is dominated by the Sikhs. The respondent no. 1 has also expressed his apprehension that if the present local Government continued in office, then the entire Punjab might be dominated by the Sikhs.

The question that arises for consideration is whether such criticism constitutes an appeal on the basis of religion or community.

In none of the Exs. P3 to P5 the respondent no. 1 has asked the electorates to vote for him. Only in Ex. P5 he has asked the electorates to vote for the candidates who were opposed to the Congress candidate. But in this poster Ex. P2 there is not a word said against either the Sikh religion or Gurmukhi. There is not even a word said against the petitioner. What he has said in it is that people should not vote for the Congress nominee as the Congress is now full of people who were selfish and self-seekers. The respondent no. 1 has further complained of nepotism, jobbery and corruption that has set in that organisation. He had also said that the rein of Government of this State has been given in the hands of a person, who has been treating Hindi speaking area as a colony of the Punjabi speaking area. In Ex. P5 he has bitterly criticised the local Government in regard to its policy towards Haryana region.

Mr. Anand Swarup, learned counsel for the petitioner, says that since it is mentioned in some of these posters that the policy of the present Government of the State was to favour the Sikhs and there was also criticism of the policy of the State Government in enforcing the compulsory teaching of Gurmukhi in the Hindi speaking area, this must be deemed to be an appeal on the basis of religion. He has also urged that the mere fact that an appeal on behalf of respondent no. 1 was not made in the poster in express terms, it will still be deemed to be an appeal to the electors as they were distributed during the election days. The latter part of his contention does not take into account that there may be occasions even during the election days when a candidate in field may try to clarify certain facts which needed such clarification, or may try to counter-act propaganda advanced on behalf of his opponent. Such a course would not be an appeal to the electors. Such document will have to be examined on their own merit whether there was an appeal for votes or not and cannot automatically become an appeal to the voters, as urged by Mr. Anand Swarup, by the mere fact that they were printed, published and distributed during the election days. Such is the case in regard to

Exs. P3 and P4 There is no appeal for votes in either of the two. These posters give the facts and figures showing disparity in the services between the Hindi speaking area and the Punjabi speaking area. He has further urged before me that in spite of the fact that the petitioner and the respondent no. 1 both are Hindus, criticism of Gurmukhi language and complaint regarding the domination of the Sikhs will constitute an appeal for votes on the ground of religion. In support of this contention he has relied upon an unreported decision of the Punjab High Court in *S. Kultar Singh V. S. Mukhtiar Singh* (F. A. O. No. 5-E of 1962) decided on 31st May, 1963. The facts of the case were that S. Kultar Singh was elected to the Punjab Legislative Assembly from the Dharamkot constituency defeating his nearest rival S. Mukhtiar Singh with 23164 votes against 15289. S. Kultar Singh had sought election on an Akali Dal ticket, while S. Mukhtiar Singh was the official candidate of the Congress party. After the election S. Mukhtiar Singh filed an election petition claiming that the appellant's election was in law void as the appellant had, for the purpose of procuring votes, appealed to his religion and had thus committed a corrupt practice. This appeal for religion was based on two grounds. Firstly, that election meeting had been arranged at 7 different places on 7 different dates and in those election meetings the appellant as well as his supporters had made speeches asking the voters to vote for the appellant as he was the proper representative of the Sikh Panth, while the respondent S. Mukhtiar Singh represented the Hindu ridden party and that the appellant would protect the Sikh religion of the Sikh voters and also their language. Secondly, that at 5 of the election meetings mentioned above a large number printed posters had been distributed by S. Kultar Singh which contained an appeal to the votes on the ground of Kultar Singh's religion.

The Election Tribunal declared the election of S. Kultar Singh void. There was an appeal to the High Court by S. Kultar Singh. The allegation of S. Mukhtiar Singh that an appeal was made in the seven meetings convened on behalf of S. Kultar Singh on the ground of religion was not accepted by it. But the High Court affirmed the finding of the Election Tribunal on the second allegation of the corrupt practice. It has to be seen whether that decision is applicable to the facts of the instant case.

The most relevant and important poster Ex. P10 in that case ran as follows:—

"Dear resident Sikhs,

We who are living in Singapore, Malaya, and South East Asia place this before, you most respectfully, that at this critical juncture it is your duty to keep high the honour of the Panth. This is not the time to criticise the weaknesses of the leaders of the Panth; the need is that in the coming general election you should defeat the opponent of the Panth in the same way as you did in the last Gurdwara election. Every Sikh vote should go to the representative of the Akali Dal and we hope that this prayer of our from far off will be accepted by you and you will once again preserve the honour of the Panth. Victory of the Panth will maintain the honour of the Panth. By maintaining such honour we will reach our final goal, that is: Punjabi Suba."

The poster then ends thus:

"We remain anxious to keep the honour and prestige of the Panth ever high.

Yours

Non-resident brother."

It is true that parties to that petition were both Sikhs. But there was a definite appeal in this poster that votes should be given to S. Kultar Singh who was the representative of Akali Dal so that he may preserve the honour of the Panth. This appeal was on behalf of Sikhs living outside the country and was made to the Sikhs living within the country. It is manifest that there was a definite and distinct appeal made on the ground of religion. The Tribunal as well as the High Court both, on the finding that this poster was distributed at various meetings and it was distributed by the appellant and some of his supporters in those meetings, held that this was an appeal on the ground of religion and declared the election of S. Kultar Singh void.

But such is not the case here. As already pointed out, no appeal has been made in the posters in issue by the respondent no. 1 on the ground of his religion or anything has been said against the petitioner on the ground of his religion.

The aforesaid decision relied by Mr. Anand Swarup has no application to the facts of the present case.

Mr. Sachar, learned counsel for the respondent No. 1, invited my attention to a number of decisions in support of his contention, that if an appeal is made on the ground of commission of misdeeds of the ruling party it could not and did not constitute corrupt practice as contemplated by Section 123(3) of the Act.

The first case relied upon by Mr. Sachar is the case of Ghayur Ali Khan v. Keshav Gupta, reported in 16 E.L.R. 154. The learned Judges constituting the Bench were considering the contents of Ex. 3 in that case whether it contained appeals on the ground of religion and community. The third paragraph of the leaflet contained a statement that the Government of Uttar Pradesh had rendered lakhs of persons speechless by not recognising Urdu as one of the regional languages. They held that this was a criticism of the language policy of the Uttar Pradesh Government and there was no appeal to vote or refrain from voting on the ground of religion or community. The learned Judges observed as follows:—

“Here the criticism is of the language policy of the Uttar Pradesh Government and there is no appeal to vote or refrain from voting on the ground of religion or community. Many Hindus, specially those belonging to the western districts, are said to be in favour of retaining Urdu also as one of the regional languages, and this appeal also cannot be said to be an appeal on the ground of religion or community. What has been done is to criticise the language policy of the Uttar Pradesh Government.”

The next paragraph to which exception was taken was to the effect that the leaders of the Congress party tried to obtain Muslim votes by adopting mean tactics of “terrifying” the Muslim minority by referring to the Kashmiri problem. This was also held not to be an appeal on the basis of religion or community. The learned Judges further added that in the appeals contained in the handbill, there was no appeal to the members of any particular community. It was an appeal to the public in general for the action or the supposed action of the political party in power. Even if the appeal is to the members of a particular community it did not necessarily fall within the mischief of sub-section (3) of section 123 of the Act, unless the appeal is made on the ground of religion or community. They further observed that the contents of a particular document have, therefore, to be taken as a whole and after a consideration of the entire document a decision has to be arrived at whether the document contained merely a criticism of the action of a political party or it is really an appeal on the ground of religion. Similarly, if a political party was criticised on the ground that it had a communal outlook and that its policy was to suppress the members of another community, for example, the Jan Sangh or the Muslim League, and if it was stated that people should not vote for any of those communal organisations because the essential policy of these organisations is to further the ends of the Hindus or the Muslims, at the cost of the members of the other community, the appeal in such cases also would be to the members of the Hindu or the Muslim community, but on the ground of the wrong policy of the particular organisation. This would be a criticism of the policy of the organisation and not an appeal to vote or to refrain from voting on the ground of religion or community. If the legislature really meant to prohibit an appeal to a community, it could easily have said so, instead of saying “on the ground of .....”.

The next case relied upon by Mr. Sachar is 18 E.L.R. 289, Raja Vijai Kumar Tripathi v. Ram Saran Yadav. In this case it was held that:—

“Section 123(3) of the Representation of the People Act, 1951, only prohibits a systematic appeal to vote or refrain from voting on grounds of caste, race, community or religion. It does not prohibit an appeal to vote or refrain from voting on the grounds of misdeeds or supposed misdeed of a political party (e.g. Congress party) even though the appeal may be directed to the members of a particular caste or community, and is based on the alleged misdeeds of that party against that particular caste or community.”

The next case that has been cited by Mr. Sachar is the case of Amjad Ali v. Nazmul Haq, reported in A.I.R. 1961, Assam 81. In this case both the rival candidates belonged to Muslim community. The election of the successful candidate was challenged on the ground that he had appealed to the voters to vote for him.

and not the other rival candidate who belonged to the Congress party and who had canvassed on such grounds as:

- (a) Banning of cow sacrifice and cow slaughter by the Congress Government.
- (b) Stoppage or burial of Muslim dead bodies and their compulsory burning instead.
- (c) Compulsory singing of 'Ramdhun' by Muslim teachers and students.
- (d) Worship of Tulsi plant in the South Salamara Basic Training Institute.
- (e) Banning of Azan.
- (f) Shifting of Jumma prayer from Friday to Sunday.

It was further alleged that the defendant had made wrong representations and falsely preached and canvassed among the Muslims that the Congress was attempting to interfere with the Muslim religion and as such the defendant had indulged in corrupt practice coming within section 123 of the Act. The learned counsel for the returned candidate has relied upon the following passages in the judgment of this case:—

"It is one thing to speak against the Congress for its administrative policy in the matter of enforcing or passing legal measures or adopting methods that might hit the Muslim sentiments and it is quite a different thing to appeal to the religious sentiment on that ground and ask the voters either for voting against the Congress or for the speakers themselves."

"Suppose somebody questions the wisdom of the Government in the matter of passing an Act restricting prohibition on Temple entry or the Hindu Code giving share of inheritance to the daughters, will this amount to communal propaganda, even though Hindu mind may be touched by this propaganda."

The last case relied upon by Mr. Sachar is the case of Mohammad Ibrahim Ansari v. M. R. Masani and others, reported in 18 E.L.R. 160. The facts of the case were that a person published a statement which was said to contain the advice of a Maulana who was Vice-President of the Jama'iyat Ulma, to Muslims. The advice did not direct the Muslim to vote, or not to vote, for any particular candidate but contained numerous aspersions against the Congress party in general and the harm it was doing to Muslims. The Congress Government was accused of communalism, bribery, casteism, tyranny, interference with the religion of Muslims etc. The advice stated that it was the personal opinion of the Maulana and that under these conditions it was difficult for him to support tyranny and oppression and advise any one to vote for the Congress candidates. His advice was "to vote for only such candidates who are better in their personal capacity". In an election petition by the Congress candidate to set aside the election of the successful candidate, this formed one of the grounds in the election petition. It was held by the Tribunal that:

"The publication of the statement did not constitute a corrupt practice under section 123(4) of the Act as it did not relate to the personal character or conduct of the petitioner it did not fall under section 123(3) as it did not contain any systematic appeal to Muslims to vote on the ground of religion, caste, race or community. By giving advice to vote for only such candidates who are better in their personal capacity, the Maulana left the Muslim voters to their choice to vote for the best candidate whosoever he might be and to whichever party he belonged. The statement contained an expression of the feelings of the Maulana in his personal capacity which he was quite competent to express under the rights guaranteed by the Constitution of India and it cannot be said that the statement amounted to an appeal to vote or refrain from voting for the furtherance of the prospects of the election of any particular candidate or in opposition to the petitioner, and the statements did not, therefore, offend the provisions of section 123(3) of the Act."

It is clear from the principles laid down in the aforesaid decisions that section 123(3) of the Act only prohibits an appeal to vote or refrain from voting on the ground of caste, race, community, religion and language. It does not, as pointed out in the case of Ghayur Ali Khan v. Keshav Gupta (Supra), prohibit an appeal to vote or refrain to vote on the ground of misdeed or supposed misdeeds of a

political party (The congress party) even though the appeal may be directed to the members of a particular caste or community and is based on the alleged misdeeds of that party against that particular caste or community.

In my opinion, the charge that an appeal was made on the ground of religion by the returned candidate has not been established.

Lastly, it is contended that it was an appeal on the basis of community. In support of this contention he has urged that the Punjab is officially divided between two regions, the 'Hindi speaking area' and the 'Punjabi speaking area' and the respondent No. 1 having criticised the State Government for its step-motherly treatment towards the Hindi speaking area in comparison to the Punjabi speaking area in matters of services, education, irrigation power and other beneficial projects he committed the corrupt practice of making an appeal on ground of community as the both cases constituted different communities.

Luckily, I am not called upon to decide this question as it has already been settled by a division Bench of the Punjab High Court in the un-reported case of P. S. Daulta v. J. S. Sidhanti, F. A. O. No. 2E, of 1963 decided on 31st May, 1963. After a full discussion of the matter the learned Judges constituting the Bench held as follows:—

"After giving the matter due consideration, we are inclined to the view that the people living in Haryana region cannot be regarded as a community in the sense in which that word has been employed in Section 123(3). With respect we are inclined to agree with the view of the Rajasthan High Court in Khilumal Tonanda's case that the meaning of this word in that section must be restricted and it should be read as meaning a sectional body which exists or has been organised more or less on the basis of fissiparous and anti-national objections. The suggestion of Mr. Sibal is that the people of Haryana have been agitating for separation from the Punjab State but he has not been able to refer to any cogent material on the record from which it can be inferred that the people of Haryana are organised as a community on such separatist and anti-national basis. It is difficult to agree with Mr. Sibal that the people belonging to a particular area or region cannot ask for redress of their grievances in the matter of policy of the Government towards educational, economic and other matters *vis-a-vis* the people inhabiting a particular district or combination of districts or a geographical unit. We are, therefore, holding that no corrupt practice was committed by the first respondent on the aforesaid ground."

In my opinion, the petitioner has failed to prove that any appeal on the ground of community was made by the respondent no. 1 to the electorate in the election days. This charge must fail.

Next it has been argued by Mr. Anand Swarup that if the contents of the posters mentioned above did not constitute an appeal on the ground of religion or community then, according to him, it promoted or attempted to promote feelings of enmity or hatred between Hindus and Sikhs of this State and was hit by the provisions of section 123(3A) of the Act. I had, while discussing the scope of this section in Election Petition No. 42 of 1962, P. S. Daulta v. J. S. Sidhanti, said:—

"Taking up clause (3A) first, it would be noticed that the expression 'attempt to promote feelings of enmity or hatred between the different classes of the citizens of India' has been borrowed from section 153A of the Indian Penal Code. If we proceed to analyse the clause, it will be found that before the clause can apply it must be proved that:

1. The candidate or his agent or any other person with the consent of the candidate or his election agent did something amounting to promotion or an attempt to promote.
2. What was promoted or attempted to promote was feeling of enmity or hatred.
3. The feeling of enmity or hatred was being promoted between the different classes of citizens of India.

4. The ground on which the feelings of enmity or hatred were being promoted or attempted to be promoted were religion, race, caste, community or language, and
5. That the purpose of the promotion or the attempt to promote was the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any other candidate.

The word 'promote' according to Webster's dictionary means 'contribute to the growth, enlargement or prosperity of (any process or thing that is incourse) to forward; to further; to encourage; to advance, to excite and also to urge on or to incite any other as to strife. The expression "promotion of or attempt to promote feelings of enmity or hatred" must, therefore, be interpreted as connoting a successful or unsuccessful endeavour to create or spread class hatred and feelings of hostility. The effect or at least a part of the effect of the 'attempt' should be to bring about such a state of affairs that one group of citizens which can be considered to form a class by itself should begin to harbour hatred or enmity against another group or groups of persons of a similar kind. All attempts to bring about such hostility or hatred will not necessarily fall within the mischief of the clause. The clause will be attracted only if the enmity or hatred is to be created on grounds of religion, race, caste, community or language; or if the feeling already exists it gets incensed. The group of persons between whom such feelings are being created or encouraged must be a definite and ascertainable group. The word 'class' carries with it an idea of numerical strength as well as homogeneity. Whether or not the purpose is to promote enmity or hatred is to be decided on the basis of internal effect of the propaganda made keeping in view the surrounding circumstances as well as the background. Care must be taken to bear in mind that merely extolling, praising, giving importance to, pointing out the needs or emphasising the requirements of any particular religion, community, race or language though it may indirectly affect another in some adverse manner cannot necessarily amount to the promotion of feelings of enmity or hatred between two classes of persons. In fact, human nature being what it is, at some times becomes necessary in an election campaign to lay emphasis on the fact that one particular community, religion, race or language is being neglected at the expense of another and its needs are neither being appreciated nor being fulfilled. Unless that is done it will not be possible to draw pointed attention to the needs of that particular language, race, religion or community and its case is likely to go by default. All this can, however, be done without exciting hatred or enmity between two classes. What is forbidden is the exciting of such feelings and basing the attempt on differences between caste, community, race, religion or language. As a result of what the candidate or his agent says or does there should be no likelihood of two classes of citizens turning inimical to each other or starting hating each other because they differ in religion, caste, language or community."

While discussing the aforesaid posters whether they constituted an appeal for votes on the ground of religion or community I had held that the posters only criticised the local Government of its policy. One fact that has to be kept prominent in mind is that the entire Rohtak Parliamentary constituency is inhabited by Hindus and the Sikhs are in a very small number.

The petitioner has not been able to satisfy me that there was any tendency in these posters which tried to promote or attempt to promote feelings of enmity or hatred between Hindus and Sikhs. I might mention that there is not an iota of evidence to show that anything untoward happened during the election days in which the Hindus and the Sikhs were involved.

On the contrary Shri Inder Singh (R.W. 4) who is a member of the Local Vidhan Sabha from Safidon constituency deposed that Sikhs who are in a very small number in Rohtak Parliamentary constituency were supporting respondent No. 1 in his election. There is no evidence produced on behalf of the petitioner to rebut it. This witness was an independent candidate and had no alignment with the respondent No. 1.

There is some controversy between the parties whether in the last paragraph of Ex. P5 the words actually used are "bana rahi hai" or "bana chuki hai". According to the petitioner the words used are "bana chuki hai" while according to respondent No. 1 the words used are "bana rahi hai." But this is of no consequence in view of my finding that this poster taken as a whole was not hit either by the provisions of section 123(3) or by the provisions of section 123(3A) of the Act.



Accordingly I hold that the posters Exs. P2 to P5 were not hit by the provisions of section 123(3A).

In view of the foregoing discussion my conclusions are:—

- (a) The respondent No. 1 held himself out as a prospective candidate from July 29, 1961, and
- (b) The posters Exs. P2 to P5 were distributed during the election days. The aforesaid posters were innocuous and innocent and they were not hit by the provisions of either of the two sub-sections (3) and (3A) of Section 123 of the Act.

The issues covered by the aforesaid discussions are decided as follows:—

*Issue No. 3.*—Annexure C (Ex. P2) was distributed during elections days but it was not an appeal to the voters on the basis of religion race, caste and community and the distribution of it did not constitute any corrupt practice. Issue decided against the petitioner.

*Issues Nos. 6, 7 and 8.*—Annexure C was distributed by and on behalf of respondent No. 1 during the election days but did not affect the election of respondent No. 1.

*Issues Nos. 13 and 14.*—This poster, Annexure X (Ex. P5) was distributed by respondent No. 1 during the period of election. In view of this finding it is not necessary to decide whether it was published before or after the notification issued by the Government of India calling the constituency to elections.

*Issue No. 15.*—In view of my finding that Ex. P5 was distributed during the election days on behalf of respondent No. 1 it is not necessary to specifically decide whether the persons who distributed it were the agents of the returned candidate or not.

*Issue No. 17.*—By issuing posters annexures X and Y (Ex. P5 and P6), the respondent No. 1 did not try to further the prospects of his election on the basis of race, caste, community and religion.

This issue is also decided against the petitioner.

*Issue No. (9)*

It is alleged on behalf of the petitioner that on or about the 20th February, 1962 at 11 a.m. the respondent No. 1 came to village Jaoli in Tahsil Gohana and addressed a public meeting in which he appealed for votes in the name of religion and in the name of a religious symbol. He is also alleged to have hoisted two flags, one of Om and the other of Bhagwa colour on the stage. He is further alleged to have implored the voters to save the Hindus of Haryana from the rule of Sikhs in the Punjab and to protect the honour of the Om flag. He is said to have bitterly criticised the compulsory teaching of Gurmukhi in the Hindi region and to have declared that those who voted for the Congress were actually voting for conversion of Hindus into Sikhism. It is further alleged that he distributed posters (X, Y, Z, B, C and D) in the meeting and read out some of them. The petitioner's case is that the village Sarpanch Surta Singh objected to such a speech being delivered by the respondent No. 1 and some other persons also joined in this protest.

The witnesses produced in support of these allegations on behalf of the petitioner are Bharat Singh (P.W. 14), Surta Singh (P.W. 19) and Kedar Singh (P.W. 213).

According to Bharat Singh four months before the actual date of polling respondent No. 1 met him in Model Town, Rohtak. The respondent No. 1 informed him that he was seeking election to the Parliament and wanted his support. The witness readily agreed to give the necessary support. According to the witness four days prior to the actual date of polling the respondent No. 1 came to his village in a jeep which had a small Om flag flying over it. On his arrival there people gathered in the Pakki Chaupal where a meeting was held. On reaching at the Chaupal a temporary dais was prepared. On the two sides of the table there was the Om flag and the Deepak flag, which was the official flag of Jan Sangh. During the course of his speech the respondent No. 1 is alleged to have told the audience that the present election was not of the same type as the last. It was really a tussel between the Hindus and the Sikhs. He is alleged to have said that in the State of Punjab the services are all being given to the Sikhs

and the rights of Hindus were being ignored. The beneficial projects such as water and other facilities were also confined to Sikhs. Thereafter, the respondent No. 1 took some posters and after partially reading them he distributed them among the audience. He is also alleged to have directed the attention of the people by pointing towards the Om flag and asked them to maintain its honour. The witness, however, admitted that the respondent No. 1 asked the people present there not to cast their votes on the ground of caste, creed or relationship. Being illiterate he could not identify the leaflets given to him at the meeting. He stated that they were similar in appearance to the leaflets Exs. P2 and P5. He further stated that the people were much impressed with the speech of the respondent No. 1 and came to the conclusion that if they did not vote for the respondent No. 1 there was every likelihood of complete domination by the Sikhs.

A comparison of the allegations made in paragraph 7 of the petition and the evidence of this witness would show that this witness has not supported the more serious of the allegations made against respondent No. 1 in that paragraph. The allegations in paragraph 7 suggest that what the respondent No. 1 had said in the meeting was that in Punjab Hindus in general and Haryana Hindus in particular had become virtual slaves at the hands of Sikhism; compulsory Gurmukhi has been imposed on their children and within a short period all of them would be converted into Sikhism and those who voted for the Congress would vote for the conversion of Hindus into Sikhism. The witness does not attribute any of those statements to the respondent No. 1. He only says that the respondent No. 1 criticised the Government for its discriminatory treatment of the Hindus and for conferring all facilities on the Sikhs.

One fact has to be borne in mind. In this Parliamentary Constituency Sikhs were admittedly in a very small number as compared to the Hindus. In spite of the fact that this witness has said that the impression created by the speech of respondent No. 1 on the people present there was favourable, he admitted in his evidence that the petitioner polled much more votes than the respondent No. 1 in his village. Naturally a question arises that if this witness was present in the meeting why he was not mentioned in the petition. No satisfactory explanation is coming forth on behalf of the petitioner for this omission, though he has admitted that he knew his name before he filed his petition. I am not satisfied that this witness was present in the meeting and as such his evidence cannot be accepted.

Surat Singh (P.W. 19) is the Sarpanch of village Joli. According to his testimony the respondent No. 1 came to his village 4 months before the actual date of the poll and asked him to support him to which he expressed his willingness. The respondent No. 1 is alleged to have met this witness again four days before the actual date of poll. He came in a jeep which had 'Om' flag on it and announced through a loud speaker that people were to collect in Pakki Chaupal where a meeting was to be convened. He further stated that on the dais there was one flag of 'Om' and another of 'Deepak'. During the course of his speech the respondent No. 1 is alleged to have said that Gurmukhi was being compulsorily imposed upon them and it was not their own language and if their children were forced to read it they would ultimately become Sikhs. He is further alleged to have said that it was their duty to resist if they wanted to protect the Hindu religion. Respondent No. 1 is also alleged to have asked the people to maintain the honour of the flags which were placed on both sides of the dais. Thereafter, he is alleged to have read some posters which he handed over to the deponent and to some others. This witness saw these posters in the neighbouring villages also. He testified that the posters and leaflets that he saw in the neighbouring villages and in the meeting at Chaupal were similar to Exs. P2 and P5. This witness further stated that the effect of the speech of the respondent No. 1 on him was that he felt convinced that if he did not vote for him then Sikhism will be imposed upon him and Gurmukhi will have to be compulsorily read. It is clear that this witness has also not supported the allegation made in paragraph 7 of the petition in its entirety. He admitted that he belonged to the Congress Organisation. At first he said that he left it about 4 or 5 years back but later on qualified his statement by saying that he left it two years prior to the last general election. He further said that he did not work as an agent for any of the candidates seeking election from that constituency.

Bharat Singh (P.W. 14) has given a lie to this statement by stating that Surta Singh Sarpanch was the polling agent at one of the booths of the petitioner. It is difficult to believe that a man who had worked as a polling agent of the petitioner would be entrusted with the distribution of posters and leaflets by the respondent No. 1. This witness said that the leaflets and the posters that were

distributed were similar to Exs. P2 and P5. During the cross-examination he was shown Ex. P2 and was asked whether he remembered its contents. He replied that so far as he could recollect it had been said in the poster that Sikh domination should be finished and compulsory teaching of Gurmukhi should be resisted. It is significant that both these facts find no place in Ex. P2. In my opinion, the evidence of this witness is not worthy of reliance and I have no hesitation in rejecting it.

The third witness on behalf of the petitioner is Kedar Singh (P.W. 21). He is one of the lambardars of village Jaoli. He has corroborated the testimony of the two earlier witnesses regarding the two visits of respondent No. 1, one four months and the other four days before the actual date of the poll at 11 a.m. in a jeep which was fitted with a loud speaker and had an 'Om' flag on it. He also corroborated the evidence of the earlier witnesses that a meeting was convened in the Pakki Chaupal in which a temporary dais was put up and on one side of the dais there was an 'Om' flag and on the other side there was a Jan Sangh flag. He also corroborated the earlier witnesses that the respondent No. 1 criticised the Government for its policy of compulsory teaching of Gurmukhi to the people whose mother tongue was Hindi and appealed for removal of the domination of Sikhs as they were monopolising the services in the State. He further stated that the respondent No. 1 appealed to the people to protect the integrity and honour of the 'Om' flag. Thereafter, the respondent No. 1 read out some of the posters which were similar to Exs. P2 to P5. He also stated that by his speech the respondent No. 1 created a very favourable impression upon the audience. This witness also stated that the petitioner too came to his village after the second visit of respondent No. 1 and he told the petitioner of the repurcussion of the visit of respondent No. 1 on the chances of the election of the petitioner. But in spite of this information the petitioner took no steps to counteract this propaganda by the respondent No. 1 in any manner.

It is to be noticed that the name of this witness has also not been mentioned in the petition itself. His case stands on the same footing as that of Bharat Singh (P.W. 14) and his evidence has to be rejected on the same ground. It is significant that in spite of the testimony of all the three witnesses that the speech of the respondent No. 1 had created very favourable impression on the mind of the people present there, the petitioner polled much more votes than the respondent No. 1. The gist of their testimony appears to be that the respondent No. 1 criticised the Government for its pro-Sikh policy. So far as the hoisting of the Om flag on the dais and its use on jeep are concerned, I am not impressed with the testimony of these witnesses at all. The evidence of all these three witnesses, to say the least, is of doubtful character and cannot be safely relied upon.

On behalf of respondent No. 1, two persons i.e. Jogi Ram (R.W. 12), one of the lambardars of village Joli and Bag Ram (R.W. 13) have been produced in support of his case. Both of them have completely denied the allegations made in paragraph 7 of the petition. According to them the respondent No. 1 came ten or twelve days before the actual date of the poll in the afternoon at about 4. He addressed a meeting at Pakki Chaupal in which he criticised the State Government for spending more money on education, development projects etc. in the Punjabi region as compared to the Hindi region. They stoutly denied that there was any reference either to the Sikhs or to the compulsory teaching of Gurmukhi. They also deny that there was any distribution of any poster by the respondent No. 1 or by anybody else on his behalf. The only poster which was to be seen pasted on the walls in the village was similar to Ex. P2. Both of them said that all the three i.e. Bhartu, Surta and Kedar were the supporters of the petitioner during his election. They also stated that there was no Om flag or any other kind of flag in the meeting and no appeal was made for votes either in the name of religion or in the name of Om flag. I am impressed with their evidence and see no reason why their evidence should not be accepted.

The respondent No. 1 has entered the witness-box. He completely denied the allegations made in paragraph 7 of the petition. He stated that nothing was uttered by him which might have created tension between the Hindus and the Sikhs. According to him he simply criticised the policy of the Government of the State in respect of beneficial projects, but he did that in a meeting other than the meeting in which these allegations have been made in the petition. He emphatically denied that there was any Om flag in the meeting or that any leaflets were distributed or any appeal was made for votes in the name of religion, caste and creed. This denial by the respondent is on oath. So far as the petitioner is concerned the allegations made by him, according to his own testimony, was not based on personal knowledge at all. They were based upon information given to him by Surat Singh Sarpanch, Kedar Singh and Bharat Singh. But he admitted that he

knew the names of Kedar and Bharat Singh. If that was so, why they were not mentioned in the petition as he had mentioned Surat Singh Sarpanch.

A fact which is very significant is that the allegations made in paragraph 7 of the petition have been verified as based upon the petitioner's own knowledge. In the affidavit it is stated that the contents of paragraph 7 were true to the deponent's own knowledge. When the petitioner was confronted with this fact in cross-examination he stated as follows:

"By 'Own knowledge' as mentioned in the verification and 'knowledge' as mentioned in the affidavit I meant the knowledge gained by me after verification of facts on the spot before the declaration of the result when I went for canvassing in my constituency in the last general election and further when after the declaration of the result I went for thanks giving and fact finding mission to the electorate in some parts of the constituency. This knowledge is based upon information received at the spot. The petition was drafted by me in haste and by mistake and inexperience I inadvertently put the words 'own knowledge' and 'knowledge' respectively".

This is a highly unsatisfactory explanation, coming as it does from a lawyer of some standing. In my opinion, the allegations made in paragraph 7 of the petition have not been proved by any satisfactory evidence. This issue is accordingly, decided against the petitioner.

#### *Issue No. 10—*

The petitioner's allegation is that on the 21st February, 1962 in the afternoon the respondent No. 1 addressed a public meeting in Village Gamri and made an appeal to the voters on the basis of caste and sub-caste saying that he was their brother from Gathwala sub-caste, whereas the petitioner was their enemy and those who did not vote for the respondent No. 1 were not the sons and children of Gathwala Khap. It is further alleged that this appeal on the basis of sub-caste was objected by Shri Suraj Mal, Sh. Hukam Chand, Shri Tara Chand and several others present in the meeting as a result of which the respondent No. 1 got annoyed and left the village.

The only witness produced on behalf of the petitioner on this point is Shri Suraj Mal (P.W. 6). He has stated in his evidence that the respondent No. 1 came to his village after 2 or 3 days of the meeting at Gohana. The respondent No. 1 is alleged to have addressed a meeting through a loud speaker. In the course of his address he said that they were people of his Gotra and they should vote for him in preference to a man of another Gotra. He further stated that they should not vote for the congress otherwise they will make Punjab a Sikhistan. He complained of the discriminatory treatment meted out to Haryana people in matters of services and other beneficial objects. He is alleged to have further said that they had got two annas in a rupee and if they voted for the Congress those two annas will also go to the Sikhs. He further said that the respondent No. 1 drew the attention of the people gathered there to the Om flag flying on his car and told them that if they did not vote for him then the flag will be dishonoured.

From a comparison of the allegations made in paragraph 8 of the petition and the evidence of this witness it is manifest that this witness has gone much further than the allegations made in the aforesaid paragraph itself. There is no allegation in the aforesaid paragraph that the respondent No. 1 either complained of the discriminatory treatment meted out to Haryana people in matters of services and other beneficial objects or that any appeal was made for votes in the name of Om flag. The witness does not support the allegation that either he or anybody else objected to the trend of the respondent's No. 1's speech. He also does not support the allegation that the petitioner left the meeting on account of annoyance caused by the objection taken by this witness or by Hukam Chand and Tara Chand. This witness appears to be a tutored one and I have no hesitation in rejecting his testimony. His evidence is not convincing at all.

The other two persons Hukam Chand and Tara Chand have not been produced in this case. The petitioner's explanation for the omission is highly unsatisfactory. The petitioner himself has no personal knowledge about what had happened in that meeting. His statement about it suffers from the same infirmity from which it suffers in respect of the allegations made in paragraph 7 of the petition. The verification of paragraph 8 of the petition as well as of the affidavit suffers from the same defects as pointed out while discussing the allegation contained in paragraph 7 of the petition.

The respondent No. 1 who has entered the witness-box has categorically denied the allegations made in this paragraph. He has produced Shri Ram Pat Singh (R.W. 16). He is the lambardar of village Gamri. He has denied that the respondent No. 1 ever addressed any meeting on the 21st February, 1962 in village Gamri in the afternoon. According to his testimony the respondent No. 1 came to his village 10 or 12 days before the actual date of the poll. A day earlier an announcement was made that the respondent No. 1 would be coming the next day. On his arrival a meeting was convened in Dholi Chaupal which was addressed by him. In the course of his speech he reminded the people gathered there of his efforts in providing them with power, good roads and irrigation facilities. He also criticised the local Government for its discriminatory policy in matter of development, education, services and industry as compared to the Punjabi region. He further stated that the respondent No. 1 reminded the audience of his efforts in bringing law and order in that region. The witness denied that there was any Om flag or that any appeal was made in the name of Om flag. He was positive that no reference was made either to the Sikhs or to Gurmukhi language. As a matter of fact, the petitioner himself has not made any reference to either of these matters in paragraph 8 of the petition. In my opinion, after considering the entire evidence on this point the allegation made in paragraph 8 of the petition has not been proved at all. This issue is, accordingly, decided against the petitioner.

Issue Nos. 4, 5 and 16—

These issues may be conveniently taken up together. The petitioner's case is that the respondent No. 1, Ch. Lehri Singh, in order to further the prospects of his election and with the object directly or indirectly of interfering with the free exercise of electoral rights of the electorate at large committed the major corrupt practice of making an appeal on the basis of religion, caste, race and community. Rohtak Parliamentary Constituency being a predominantly Hindu electorate constituency, Ch. Lehri Singh excited the religious sentiments of the Hindu electorates by dubbing and condemning the Punjab Congress regime as a rule of Sikh religion where the rights, interests, privileges and the life of Hindus and the Hindi region people were not safe and further where Gurmukhi was imposed on the Hindus to convert them into Sikhism. Ch. Randhir Singh stated on 22nd July, 1963 that his allegation that an appeal for vote in the name of Om flag in public meetings was confined only to the meetings held in villages mentioned in paragraph 6(b) and to the meetings mentioned in paragraph 7 of the petition.

Ch. Lehri Singh being a Jan Sangh candidate and supported by Haryana Lok Samiti hoisted Bhagwa flag with 'Om' religious symbol in the middle, the official flag of the Haryana Lok Samiti and also Bhagwa flag of Jan Sangh on his stage and made special appeal for votes in his favour in the name of these religious symbols. This Om ka Jhanda of the Haryana Lok Samiti and Bhagwa Jhanda of the Jan Sangh, as religious flags, touched the religious sentiments of the electorates deeply when appeal to these religious symbols were made by respondent No. 1. It is further alleged that Haryana Lok Samiti and Jan Sangh both thrive entirely on religion, caste and racial appeals. This Om ka Jhanda Ch. Lehri Singh got fixed on the bonnet of his car and on the transport vehicles of his agents and supporters. This display of Om flag by Ch. Lehri Singh and his agents and supporters on the stage and on their transport throughout the length and breadth of the Rohtak Parliamentary constituency constituted a major corrupt practice by Ch. Lehri Singh and by his agents and supporters with his consent. The village and town meetings were addressed by Ch. Lehri Singh between 1st January, 1962 and 23rd February, 1962 at different intervals in different parts of the constituency. It might be mentioned that as stated above an appeal for votes in the name of Om flag and Deepak flag is confined only to the meetings held in villages mentioned in paragraph 6(b) of the petition.

These allegations form the subject matter of the aforesaid three issues. It might be made clear at the very outset that the use of Bhagwa flag with Deepak inscribed thereon could not constitute corrupt practice as it was the official flag of the Jan Sangh party to which the respondent No. 1 belonged. This symbol of Deepak had been allotted to that party by the Election Commission of India.

The further allegation that the Haryana Lok Samiti and the Jan Sangh party were hand in glove and were supporting each other during the last general election is also negated by the admitted facts on the record. Shri Mangal Sen (R.W. 1) who had been an elected member of the local Vidhan Sabha from the Rohtak constituency in the last general election of 1962 on Jan Sangh ticket is the Organising Secretary of the Jan Sangh of Rohtak, Gurgaon, Hissar and Karnal. He has stated that during the last general election there was no alliance between the Haryana Lok Samiti and the Jan Sangh party. On the contrary, they were opposed

to each other. He has further stated that the constituencies in which both these parties opposed each other were Rohtak, Kalanaur and Gohana Vidhan Sabha and Jhajjar Parliamentary constituencies. There was a contest between them in Salawas Vidhan Sabha constituency also. This witness defeated Mahashe Bharat Singh, the Samiti candidate, in Rohtak Vidhan Sabha constituency. Shri Ramdhari Gaur, the Samiti candidate defeated the Jan Sangh candidate, Ch. Har Kishan. In Kalanaur Vidhan Sabha constituency there was a triangular fight; the Jan Sangh candidate was Th. Nasib Singh, the Samiti candidate was Ch. Badlu Ram and the Congress candidate was Ch. Ranbir Singh, at present Minister for Irrigation and Power. In the Jhajjar Parliamentary constituency seat there were three main contestants i.e. Shri Pratap Singh Daulta from the Congress party, Shri Jagdev Singh Sidhanti from Haryana Lok Samiti and Pt. Duli Chand Gautam from Jan Sangh party. The successful candidate was Shri Jagdev Singh Sidhanti. For the Salawas seat there was a keen contest between the Congress, the Haryana Lok Samiti and the Jan Sangh. Shri Kishen Dial Bharadwaj was the Jan Sangh candidate from the Gannaur Assembly seat and he lost. These facts are not disputed. In my opinion, they conclusively prove that the allegation of the petitioner that there was an alliance between the Haryana Lok Samiti and Jan Sangh party during the last general election is not true.

It is alleged in paragraph 6(b) of the petition that meetings were held in villages Purkhas, Chulkana, Khubru, Panchi, Jatan, Mahra, Juan, Sheikhpura, Ahulana, Gannaur, Malkpur, Jainpur Titola, Bega, Datoli, Pipli Khara, Larhsauli, Murthal, Kurar, Bayyanpur, Harsana, Lahrara, Rohat, Kakroi, Bhatgaon, Bhatgaon, Mahlana, Barwasani, Pinana, Guhna, Mohana, Tihar, Salimsar Majra, Chitana, Garhi Rajlu, Saragthal in Sonapat Tahsil and Sonapat town in which respondent No. 1 hoisted Bhagwa flag of Jan Sangh and official flag of Haryana Lok Samiti on his dais in meetings and appealed for votes in their name which deeply touched the religious feelings of the electorate. But evidence has been led in respect of villages Chulkana, Juan, Bayyanpur, Harsana, Lahrara, Bhatgaon and Barwasani only.

The witnesses who are common in respect of the allegations which form the subject matter of all these issues are Dharam Singh, Ramanand, Ram Singh, Daryao Singh, Ram Swarup, Ram Chander and Sahib Das. The common witnesses on issues Nos. 4 and 5 are Surajmal, Jug Lal, D.D. Atish, Bharat Singh, Chand Ram, Suraj Singh, Surta Singh, Kedar Singh, Surya Kant, Prabhu Dayal and Har Narain.

Abhai Ram and Hazari Singh are witnesses only about the use of Om flag on transport vehicles. Dharam Singh (P.W. 9) is the witness of the meeting alleged to have been held at Bhatgaon. He stated that the respondent came in a jeep which was fitted with a loud speaker. On arrival there some records were played in the bazar of the village which attracted a number of persons there. After the people had collected a temporary stage was set up. On the stage two flags were hoisted. One was the flag with Om inscribed thereon and the other was a flag with the symbol of Dia. It is alleged that while addressing the meeting the respondent No. 1 pointedly drew the attention of the audience to both the flags and asked them that if they wanted to maintain the honour of these flags and to get back the just dues and rights of the Harijana people they should vote for him. He is also alleged to have complained that at that time all the amenities of life as well as services of the State were the monopoly of the Sikhs. Thereafter, he read out some of the posters and distributed them among the audience.

Ramanand (P.W. 10) is a resident of village Chulkana and has deposed about the meeting which is alleged by the petitioner to have taken place there 15 or 16 days before the actual date of the poll. According to this witness the respondent No. 1 came in a jeep at about 8 or 8:30 in the night. He addressed a meeting in Darwazawall chaupal. When the respondent No. 1 arrived in the chaupal a dais was prepared on which there was a table and on one side of it was an Om flag and on the other a Deepak flag. Both the flags were of Bhagwa colour. He further stated that in the course of his speech the respondent No. 1 said that the Sikhs had taken hold of the Congress in the State and all the benefits were being enjoyed by them at the cost of Harijana people and the Hindus of the State. The respondent No. 1 is further alleged to have said that he was seeking their votes in order to save the Hindu community and to see that justice was done to them. He is alleged to have raised slogans such as 'Om ka jhanda buland rahe', 'Hinduism zinda bad.' Thereafter he is alleged to have distributed posters. Similar are the allegations in respect of the meeting at Lahrara, Juan, Harsana Kalan, Bayyanpur and Barwasani.

Shri Ram Singh (P.W. 11) has been produced in support of the allegations in respect of the Lahrara meeting, Daryao Singh (P.W. 13) in respect of the Juan

meeting, Ram Swarup (P.W. 20) in respect of the Harsana Kalan meeting, Ram Chand (P.W. 25) in respect of the Bayyanpur meeting and Sahib Das (P.W. 31) in respect of Barwasani meeting.

Shri Ram Singh (P.W. 11) stated that the respondent No. 1 first came to his village about 4 or 5 months before the election and met him. He promised to support the respondent No. 1 who again came 16 or 17 days before the actual date of the poll.

Daryao Singh (P.W. 13) also stated that the respondent No. 1 first met him at Gannaur 3 or 4 months before the date of poll and asked for his support and then again he came a month before the actual date of the poll. He again came 18 days before the date of poll and met him in village Juan.

Ram Swarup (P.W. 20) similarly stated that the respondent No. 1 first came 3 or 4 months and then 16 or 17 days before the actual date of poll to his village. On the first occasion when he met him he solicited for his support which the witness agreed to give.

Ramchand (P.W. 25) also stated that the respondent No. 1 first came to his village 4½ months before the actual date of the poll and met him on the roadside in his village. The respondent No. 1 is alleged to have told him that he had decided to seek election and asked for his support. He is alleged to have come to his village again 16 or 17 days before the actual date of the poll in a jeep with Om flag on it.

All the aforesaid witnesses have also said that the jeep in which the petitioner came was fitted with a loud speaker and an Om flag.

Sahib Das (P.W. 31) stated that he met the respondent No. 1 three months before the actual date of poll at the canal bridge near his village. The respondent No. 1 told him that he had decided to seek election to the Parliament and asked for his support to which he agreed. He again met him in the village 20 days before the actual date of the poll and he had come there in a jeep which was fitted with a loud speaker and had an Om flag on it.

All these witnesses have further deposed, as deposed by Dharam Singh and Ramanand, that on arrival in their village a temporary dais was raised and a stage was set up. On one side of the dais there was an Om flag and on the other a Deepak flag. The respondent No. 1 is alleged to have complained about the discriminatory treatment meted out to Hindus in the State in comparison to Sikhs in respect of beneficial projects, education and services. He is alleged to have read out some of the posters which are Exs. P2 to P5 and distributed them among the audience. He is also alleged to have asked the audience to maintain the honour of the flag and also made an appeal for vote in their names. Dharam Singh also stated that there was a small Om flag on the jeep of the respondent No. 1. He admitted in cross-examination that there are 12 or 13 lambardars in both the panas and about 15 members of the panchayat were also there. Some of them, namely, Abhey Ram, Inder Singh and Dharam Singh lambardars were also present in that meeting. It is significant that none of these persons has been produced by the petitioner in support of this allegation, particularly as some of them were admittedly present in that meeting. Had they been examined their evidence would have been of some value. He further stated in his cross-examination that he was supporting the respondent No. 1 during the election days. If that was so it is difficult to accept his testimony. It is highly improbable that a person who had helped respondent No. 1 in getting him elected would now come forward to see that he is unseated.

Uday Chand (R.W. 2) is a Sarpanch of village Panchayat Bhatgaon and is also a lambardar. He is also a member of the Block Samiti Sonapat. His annual income from the landed property was Rs. 20,000/- or Rs. 25,000/-. According to the testimony of this witness the respondent No. 1 came to his village 8 or 9 days before the actual date of poll. It was the month of Phagun and the day was Amawas. On that day the people in his ilaqa did not work but observed holiday. A public meeting was convened on that day and was addressed by the respondent No. 1 in front of the Gosala in the village at about 11 a.m. In the course of his speech he criticised the discriminatory policy of the local Government between the Punjabi and Hindi regions in matter of services and other matters relating to developments. He also told them of his services in providing them with power, irrigation and roads and helped in restoring law and order in that area. The witness denied that there was any Om flag in the meeting or any appeal was made for vote in its name. According to him the respondent No. 1 did not refer either to Sikhs or to Gurmukhi language. The only poster that the witness saw pasted on the walls in his village was Ex. P.2. He further stated that Shri Dharam Singh

had in the last general election supported the petitioner and not the respondent No. 1. In cross-examination he denied that he was related to the respondent No. 1 or that he had any connection with him or worked for him during the election days.

I am not impressed with the evidence of Dharam Singh. The evidence of Udey Chand has a ring of truth and can be safely accepted.

Ramanand (P.W. 10) admitted in his cross-examination that during the period of the Ministership of respondent No. 1 the Lower Middle School of that village was raised to the status of Middle School in 1963 at the instance of respondent No. 1. He also admitted that a minor irrigation channel was constructed from the canal to village Panchigujran passing through the fields of his village and it was constructed when the respondent No. 1 was a Minister in the State. He also admitted that the respondent No. 1 had been elected to the local Vidhan Sabha from the constituency which includes his village since 1946 to 1957. He also admitted that during the aforesaid period the people of his village always supported the respondent No. 1 in his election. He is a teacher in the Government Primary School Patti Kalyan which is at a distance of two miles from his village. According to him he goes to Patti Kalyan every morning and comes back in the evening. He further stated that he came back from Patti Kalyan on that day at about 7 p.m. and reached the venue of the meeting about quarter to nine. He also admitted that a metalled road was constructed from Somahal to his village; electricity was also given to his village after 1952 and at that time respondent No. 1 was a Minister in this State. According to the testimony of this witness the village is a big one and there is a bazar, a Middle School and the population of this village is about 5000. There are seven lambardars and nine members of the panchayat in that village and there is also a Patwari who resides there.

It is really surprising that neither any of the lambardars nor any of the panches has been produced from this village in support of this allegation. It is also difficult to believe that this witness after having gone early in the morning to Patti Kalyan and having worked the whole day there would, after returning from there go to attend the meeting of the Jan Sangh party, when he was in Government service and in addition to attending the meeting would receive posters also in support of Jan Sangh candidate for distribution.

The respondent No. 1 has produced Asa Ram (R.W. 6) the Sarpanch of village panchayat Chulkana. According to his testimony the respondent No. 1 came to his village the next day and would address a meeting in the village chaupal at noon, in Mathwalli chaupal in his village. The previous day an announcement was made in the village in the evening that the respondent No. 1 would be coming to the village the next day and would address a meeting in the village chaupal at noon. He further stated that he was present in the meeting and the main points stressed in the respondent's speech were two. Firstly, he said that he was responsible for giving them irrigation and road facilities and for suppressing lawlessness in that area. Secondly, he criticised the attitude of the State Government in showing preferential treatment to the Punjabi region in comparison to Hindi region in matters of development, education and services etc., in the State. He refuted the allegation made on behalf of the petitioner that there was any flag either of Om or of any other symbol in that meeting or that the respondent No. 1 made any appeal for votes in the name of Om flag. He has also denied that any reference had been made either to Sikhs or to Gurmukhi language. He further stated that the respondent No. 1 did not make any appeal to the audience for votes on the ground that if he was elected he would further the cause of Hindus. According to him, in that meeting no leaflets or posters were read out or distributed by or on behalf of respondent No. 1. But he saw Ex. P2 pasted in the village. He further stated that Ramanand (P.W. 10) and his brother Mahanand were supporting the petitioner in the election days and whenever the petitioner visited his village he was accompanied by them. He categorically denied that the respondent No. 1 addressed any meeting 15 or 16 days before the date of the poll in Darwazawali chaupal in his village. He denied in cross-examination that he was appointed to the office of Publicity worker in the Public Relations Department of the Punjab Government at the instance of the respondent No. 1. His version is that he was appointed with the support of Ch. Rizak Ram and Shri Prabodh Chandra.

Shri Lakhi Ram (R.W. 7) is a member of the Chulkana panchayat. He has supported the testimony of Asa Ram (R.W. 6). He is a member of the Congress organisation. A suggestion made during the cross-examination that he had been suspended was refuted by him. No evidence has been produced on behalf of the petitioner to contradict him on the point. He further stated that there was no occasion for him to complain against Shri Ramanand who was a teacher in the



Government Primary School to any authority as he was working for the Congress in the last general election. He denied that he belonged to the Jan Sangh party and that he was supporting the respondent No. 1 in the election. I am very much impressed with the evidence of Asa Ram (R.W. 6) and Lakhi Ram (R.W. 7) particularly the latter who belongs to the Congress organisation.

Ram Singh (P.W. 11) comes from the same village Lahrara as the petitioner. They have got their residential houses at a short distance from each other and they belong to the same Gotra. It is true that the petitioner is not living in that village at present but his parents are still living there. It can be reasonably inferred that he has come to depose for the petitioner on account of local loyalty. He further admitted that the petitioner secured majority of votes from his village and from village Bayyanpur. I am not impressed with his evidence. In any case, it will not be safe to rely upon it.

Ram Swarup (P.W. 20) admitted in his cross-examination that he and the petitioner belong to the same Gotra and their villages adjoin each other. He stated in his cross-examination that so far as he could recollect the purport of the poster Ex. P. 2 with a symbol of Deepak was that nobody should vote for Congress as they want to create Sikhistan here. There is no such exhortation in the aforesaid poster. Obviously this witness is a tutored one.

Shri Roop Ram (R.W. 8) is a witness produced by the respondent No. 1 in respect of the allegations made by the petitioner in regard to the meeting held by respondent No. 1 at Harsana Kalan. He is a member of Harsana Panchayat for the last 8 years. He was convicted and sentenced to 9 months R. I. and a fine of Rs. 50 in 1940 for participating in the Independence Movement. He stated that the respondent No. 1 visited his village 3 or 4 days before the actual date of poll and addressed a meeting in Pakki Chaupal about mid-day. The main features stressed by him in his speech were that he reminded the audience of the facilities given to them during his tenure of Ministership. He also criticised the Government for its step-motherly treatment in matters of education, development and bridges towards the Hindi region in comparison to the Punjabi region. He denied that there was any Om flag in the meeting, that any appeal was made in the name of it or that any reference was made to Sikhs or to the Gurmukhi language. He further stated that during the election days a panchayat of the people of the aforesaid village was convened at Bayyanpur by Ram Swarup and Jugti Ram in Pakki chaupal which was attended by the petitioner also and in that panchayat it was decided that the people present there should vote for the petitioner as he belonged to their Gotra. In cross-examination he admitted that he had resigned from the Congress 7 or 8 years ago but he was still a member of the Congress Sewa Dal. His evidence is worthy of credence.

The respondent No. 1 has examined Tara Chand (R.W. 11) in respect of the alleged meeting at Barwasani, tahsil Sonapat. He has denied the date and time as well as the allegations made by the petitioner in respect of the meeting in that village. According to him the respondent No. 1 came to his village 7 or 8 days before the actual date of poll. A meeting was convened at Bari chaupal in the village at about 2-30 p.m. and was addressed by the respondent No. 1. He has, like the other witnesses of the respondent, stated in respect of the meetings at other places that the respondent No. 1 in the course of his speech reminded the people of his efforts in providing them with education facilities, roads and power. He also criticised the State Government for neglecting the Hindi region and providing all facilities in matters of development, education and services etc. to the Punjabi region. He also mentioned that due to his efforts lawlessness prevailing in that area was brought under control and law and order was restored. The witness denied that there was any Om flag or any other flag of any other denomination in that meeting. He also stated that no reference was made either to Sikhs or to the Hindus or to the compulsory teaching of Gurmukhi. Nothing was said or done in that meeting which could have led the tendency of creating hatred between the Hindus and the Sikhs. He further stated that no posters or leaflets were either read out or distributed by the respondent No. 1 or anybody else on his behalf. He knew Sahib Das son of Kishnu of his village and according to him he was not only the supporter of the petitioner but was also his polling agent, though this fact is denied by Sahib Das himself.

Daryao Singh (P.W. 13) was seeking election for a seat in the local Vidhan Sabha from Gannaur constituency in the last general election on a ticket from the backward class party and was opposed by a Jan Sangh candidate. Naturally this witness could not be favourably inclined towards respondent No. 1 who was seeking election on behalf of Jan Sangh party. He also admitted in cross-examination that

he had left the Congress organisation recently. He stated in his cross-examination that there was some reference to the relations between the Hindus and the Sikhs in the bigger poster which bore the photograph of respondent No. 1 meaning thereby the poster Ex. P. 2. But a perusal of the aforesaid poster shows that there is no reference at all to the relations between the Hindus and the Sikhs in it. He also admitted in his cross-examination that he never informed Ch. Chandra Bhan who is an important member of the Congress party and who comes from his village or the petitioner about the questionable activities of the respondent No. 1. His evidence does not inspire confidence and is unworthy of reliance.

There are some general features regarding the evidence of the witnesses produced on behalf of the petitioner. The evidence in respect of the meetings in different villages is so similar and of such a stereo typed character that some hesitation naturally arises in accepting it. Each and every witness has stated that the petitioner used to come to the alleged meeting in a jeep with an Om flag on it and after arrival a temporary dais used to be prepared with Om flag on one side and Deepak flag on the other. Thereafter, the respondent No. 1 used to make a speech and read out some portion of the posters which were later distributed among the audience. The following observations made by the learned Judges constituting the Bench which heard the case of S. Kultar Singh v. S. Mukhtiar Singh (F.A.O. No. 5-E) decided on 31st May, 1963 applies with equal force to the witnesses examined on behalf of the petitioner on this point:—

"The record shows that each of these witnesses described the offending speeches in almost identical terms and this in respect of all or nearly all the meetings giving the impression that the witnesses were anxious to repeat what they were led to believe would be helpful to the respondent's case."

It is also significant that most of the witnesses said that they were supporting the respondent No. 1 in the last general election. Naturally a question arises why they have now come to give evidence against him. What has happened in between the last general election and the date of their evidence which has made them change sides. No explanation has been offered for this change. It is also significant that all these witnesses have unequivocally stated that the respondent No. 1 after reading out the posters handed them over for distribution. No special relationship existed between them and the respondent No. 1 nor has any other special reason been given which could have prompted the respondent No. 1 to entrust them with that work. Why of all the people present in those different meetings were they alone selected for that work? This is all the more improbable, if, as alleged on behalf of the respondent No. 1, they were the supporters of the petitioner in the last general election. It is also significant that out of the entire Rohtak Parliamentary constituency which was a very big one the petitioner has given the names of only those villages which are situated in Sonapat tahsil. The reason is not far to seek. The petitioner is a prominent practising lawyer residing at Sonapat town and naturally would command considerable influence in that area. He has not given the names of any other village in any other tahsil of the constituency, where such corrupt practice was committed by the respondent No. 1. The facts speak for themselves. I am not inclined to put any reliance upon the witnesses produced on behalf of the petitioner.

The allegations which were covered by issue No. 16 have not been substantiated.

The common witnesses on issues Nos. 4 and 5 are Suraj Mal, Jug Lal, D. D. Atish, Bharat Singh, Chand Ram, Surta Singh, Suraj Singh, Kedar Singh, Surya Kant, Prabhu Dayal and Har Narain.

Coming to the allegation of exploitation of religious sentiments and use of Om flag on transport vehicles covered by issues Nos. 4 and 5 respectively I have already given the names of the witnesses who are common on both these points. I have already, while dealing with issues Nos. 9, 10 and 16 rejected the testimony of Suraj Mal (P.W. 6), Bharat Singh (P.W. 14), Surta Singh (P.W. 19), Kedar Singh (P.W. 21), Dharam Singh (P.W. 9), Ramanand (P.W. 10), Ram Singh (P.W. 11), Daryao Singh (P.W. 18), Ram Swarup (P.W. 20), Ram Chand (P.W. 25), and Sahib Das (P.W. 31). The remaining witnesses on this point are Jug Lal (P.W. 8), D. D. Atish (P.W. 12), Chand Ram (P.W. 15), Surat Singh (P.W. 17), Surya Kant (P.W. 22), Ram Singh son of Kedar Singh (P.W. 23), Prabhu Dayal (P.W. 24), Har Narain (P.W. 26), Hazari Singh (P.W. 28) and Abhey Ram (P.W. 29) are the witnesses only about the use of Om flag on transport vehicles. All these common witnesses mentioned above have stated that the respondent No. 1 came to their village in a jeep which had an Om flag on it and gave them posters similar to Exs. P2 to P5. I have held while dealing with issues Nos. 3 to 8, 13 to 15 and 17

that the posters complained of (Exs. P2 to P5) were only criticism of the local Government's policy and they did not constitute any corrupt practice. So even if it be assumed that these posters were given to these witnesses for distribution and were distributed by them that fact cannot have any adverse effect upon the election of the respondent No. 1.

D. D. Atish (P.W. 12) is the editor, printer, publisher and the proprietor of the Urdu paper "Paigham" which is printed and published from Sonapat town. He stated in his evidence that the respondent No. 1 met him six months before the actual date of the polling at Rohtak in the month of August 1961 in the Bar Association. It is alleged that during the course of conversation the respondent No. 1 told the witness that he had decided to seek election to the Parliament whether he got a Congress ticket or not. The witness again met respondent No. 1 sixteen days prior to the actual date of poll at the house of the former and the respondent No. 1 requested him to support him in his election. The witness replied that he could not do so as the respondent No. 1 was seeking election on the Jan Sangh ticket while the witness believed in secularism. Even after that the respondent No. 1 is alleged to have handed over posters to him, one of which was bigger in size than the others. He further stated that the respondent No. 1 told him that if he read the posters he would be convinced of the views of the respondent. According to this witness when he read the posters he found them full of poison against the Sikhs. He took steps to contradict them in his paper. He found these posters widely distributed and pasted in the neighbouring locality of Sonapat. Those posters were similar to Exs. P2 to P5. The jeep in which the respondent No. 1 came to his house had an Om flag on it. He admitted in cross-examination that in some issue of his paper the photograph of the petitioner was published and the policy of his paper was to support all the Congress candidates, particularly those who were pitched against Jan Sangh candidates. He further stated that the publication of the photograph of the candidates in the last general election was not confined to the Congress candidates alone but it was his effort to publish the photograph of the candidates of other parties also. Accordingly in his paper the photographs of some Jan Sangh and Independent candidates were also published. But he stated that the photograph of respondent No. 1 was not published in his paper as he never sent it to him. He also admitted that the petitioner had sent a letter for publication during the election days giving his views and it was published in his paper for which no charge was made. He further admitted that on 21st January, 1962, he had issued a special number of his weekly newspaper in respect of election propaganda in favour of the Congress candidates. He also admitted that he had remained a Lecturer in Chhotu Ram Arya College in Sonapat for about two years. But he denied knowledge whether the petitioner was a member of the Managing Committee of that institution. It is, however, not disputed that the petitioner is closely connected with the aforesaid college. He further admitted that he was an independent candidate supported by a Congress party for a seat in the Municipal Board at Sonapat and was opposed by Ram Kishen a Jan Sangh candidate. He further admitted in cross-examination, after reading the contents of Ex. P2 that there was no reference in it to the Sikh community at all and that it was mentioned in it that the people should not vote on the ground of caste, creed or relationship etc. He further stated that there was no symbol of Om in the poster and the word Om itself had also not been mentioned anywhere in it. He also admitted that in spite of the fact that there was an Inspector of Police posted at Sonapat who was a Sikh he did not bring to his notice the fact that an objectionable poster had been published by the respondent. He also admitted that he attended a number of meetings of the Congress party in which he spoke in favour of the Congress candidates and also criticised the propaganda made by the respondent No. 1. He did not recollect whether he brought the propaganda on behalf of respondent No. 1 to the notice of the persons in charge of the Congress organisation at Sonapat or of Ch. Rizak Ram who is an influential Congressman of that area. It is not surprising that the petitioner has produced in respect of this allegation this witness who is professedly a supporter of the Congress and was actively working for the Congress candidates in the last general election. He has not cared to produce any official of the police, judicial or executive department or anybody from the office of the C.I.D. or the Circle Inspector of Police. This witness has admitted that there were a large number of officers of the aforesaid departments in the town of Sonapat. In my opinion, Shri Atish is a partisan witness and his testimony cannot be relied upon.

Chand Ram (P.W. 15) resident of Garhi Bohar states that the respondent No. 1 met him first, four months before in the court compound of Rohtak and again in his village 15 days before the actual date of poll. He had come there in a jeep which was fitted with a loud speaker and had an Om flag flying on it. On

the second visit a temporary dais was prepared and two flags, one of Om and the other of Deepak were put upon it. After delivering his speech the respondent read out a number of leaflets that he had in his possession. Thereafter he distributed them among the audience. The witness too was given some of them for distribution. He admitted in his cross-examination that he was a supporter of the petitioner. He too is a partisan witness and no reliance can be placed on his evidence.

Surta Singh (P.W. 17) is a resident of village Bohar. His evidence is also exactly similar to that of the earlier witness Chand Ram. The respondent No. 1 is alleged to have come in a jeep which was fitted with a loud speaker and had an Om flag also. According to him there was a meeting in which two flags, one of Om and the other of Deepak were hoisted. He further stated that the petitioner after reading some of the posters in that meeting distributed them among the audience and gave about 17 or 18 of them to him for distribution in his village. This witness admitted in cross-examination that he was the polling agent of the petitioner. It is also difficult to believe that this witness who was a polling agent of a rival candidate would be given posters by the respondent No. 1 for distribution. He is also a partisan witness and cannot be believed.

Surya Kant (P.W. 22) is the Senior Vice President of the Rohtak Municipal Committee. He stated that the respondent No. 1 first met him in the court premises at Rohtak 4 or 5 months before the poll and asked him to support him in the last general election. He replied that first the respondent should get settled from which party he was seeking election and then the witness would give his answer. Thereupon the respondent No. 1 is alleged to have told him that so far as he was concerned he was determined to seek election whether he got the Congress ticket or not. He further stated that the respondent No. 1 again met him a day or two before the actual date of poll at his house at about 8 or 9 P.M. He again asked him for his support. The witness replied that he was bound to support the petitioner due to his party affiliation. He further stated that while leaving the place the respondent handed over to him a number of posters similar to Exs. P2 to P5. In cross-examination he admitted that in 1961 he was elected as a member of the Rohtak Municipal Committee on Jan Sangh ticket and again in January, 1962, he sought election to the office of Senior Vice Chairman on behalf of the Congress party and was elected. He admitted that he was now a member of the Congress organisation. He further admitted that his action in changing over was not liked by persons belonging to Jan Sangh party and there was a demonstration in front of his house on 10th January, 1962. A number of persons were taken into police custody and a criminal case was started against them. He further admitted that he was a supporter of the Congress party in the last general election. He is a partisan witness and his testimony cannot be accepted.

Ram Singh (P.W. 23) son of Kedar Singh is a witness produced by the petitioner on the point that he received some of the impugned posters at the hands of respondent No. 1 in his village. According to this witness the respondent No. 1 came to his village 3 or 4 days before the actual date of poll in the afternoon in a jeep and stayed with him in the night as he was known to him from before. He had come to ask him for his support. But as this witness was supporting the petitioner he gave a plain reply that he was not going to support him. Thereupon the respondent handed over some posters to him and asked him to make up his mind whether he would support him or not after reading them. In cross-examination he admitted that he was the polling agent of the petitioner on one of the booths. He is a partisan witness and his testimony is not worthy of credence.

Shri Prabhoo Dayal (P.W. 24) is a Sarpanch of village Shilakheri. According to this witness the respondent No. 1 came to his village two months before the date of poll in a jeep at about 1 P.M. and met him near the Chaupal which is in the vicinity of his house. He said that during the course of conversation with him the respondent No. 1 is alleged to have told him that he had decided to seek election for a seat in the Parliament from that constituency whether he got the Congress ticket or not. He again met him in the same Chaupal about 5 or 6 days before the actual date of poll. He came on that occasion in a jeep at about 5 or 6 P.M. The jeep was fitted with two flags, one of Om and the other of Deepak. It was also fitted with a loud speaker. A meeting was held in the Chaupal. The respondent No. 1 after addressing the meeting distributed posters Exs. P2 to P5. This witness also saw those posters in the neighbouring villages. The specific allegation of the petitioner is that Om flag used to be on their transport vehicles of the respondent No. 1. This witness has gone a step further in his

zeal to support the petitioner by stating that there were two flags on the jeep of the respondent No. 1 when he came to his village; one of Om and the other of Deepak which is not even the case of the petitioner. He stated in his examination-in-chief that by reading the posters he came to the conclusion that Gurmukhi was being forcibly imposed on them by the Government and they should resist the attempt. In cross-examination he admitted that previously his village was within the jurisdiction of Pepsu and at that time Gurmukhi was compulsorily taught in his village. It is obvious that the compulsory teaching of Gurmukhi could not have given him a shock as Gurmukhi was compulsorily taught in his village prior to its merger with the State of Punjab. If this witness had informed the petitioner of the questionable activities of the respondent No. 1 as he claims to have done, some steps would have necessarily been taken by the petitioner to counteract them. According to this witness, even in spite of his informing the petitioner the latter took no steps to do anything in the matter. The evidence of this witness was of a doubtful character and has to be rejected.

Har Narain (P.W. 26) is a resident of Bichpiri, Tahsil Gohana. He stated that the respondent No. 1 first met him 4 or 5 months before the election at the bus station in his village and asked him for his support in the election. He again met him at the same bus station 8 or 9 days before the actual date of the poll. He came in a jeep which was fitted with a loud speaker and had an Om flag on it. There was a meeting in the chaupal which was addressed by the respondent No. 1. Thereafter the respondent No. 1 is alleged to have read out some posters which he distributed later on among the audience. The respondent No. 1 gave him also about 50 of those posters some of which were distributed there and others he gave to Sarpanch Lachman Singh of village Butana for distribution. He has admitted that the maternal uncle of the respondent No. 1 resides in the same village in which the petitioner lives. He denied that he had any enmity with that family but the evidence produced on behalf of the respondent No. 1 establishes that fact. It is difficult to believe in this context that he would have been entrusted with the distribution of posters in support of respondent No. 1.

Hazari Singh (P.W. 28) and Abhey Ram (P.W. 29) have also deposed like the other witnesses for the petitioner mentioned above about the two visits of respondent No. 1 to their villages, one 4 or 5 months before and the other a couple of days before the actual date of poll asking for their support and addressing a meeting. On the second occasion the jeep is alleged to have been fitted with a loud speaker and had an Om flag on it. They have also deposed about the distribution of the posters.

Hazari Singh stated that he is illiterate and after getting those posters read he became convinced that he should vote for the respondent No. 1 but after hearing the petitioner 7 or 8 days after the visit of the respondent No. 1 in a public meeting held in his village he decided to support the petitioner as he himself was a Congressman. He further admitted that he was the polling agent of the petitioner and he had gone out canvassing for him in village Tharu, Bhatgaon and Shazadpur. He further admitted that he was a member of the Congress organisation for the last 20 years or more. In my opinion, he has come to depose for the petitioner due to his association with the Congress. He is a partisan witness.

Abhey Ram (P.W. 29) is one of the panches of the local panchayat of Bhainswal Kalan. He stated that the respondent No. 1 came to his village 6 or 7 days before the actual date of poll at about 2 p.m. He came on a jeep which was fitted with a loud speaker and had an Om flag on it. He came to his house and informed him that he had left the Congress and joined the Jan Sangh party. The respondent No. 1 is further alleged to have asked him to support him and to take him to some Harijans for the same purpose, to which the witness agreed. He is also alleged to have distributed the posters among the Harijans and to have given 50 or 60 of those posters to the witness for distribution in his village which he did. He has admitted in his examination-in-chief that he was the polling agent of the petitioner and had been a member of the Congress organisation for the last twenty years. It is difficult to believe that the respondent No. 1, who had been a Minister in the pre-partition days and after partition in this State would go to a person who professedly believed in Congress ideology and had been a member of that organisation for the last 20 years to seek his support and to hand over posters to him for distribution among the people of his village as well as in the neighbouring villages. It is also incredible that the witness who is such a staunch Congressman for such a long time would readily agree to work for a Jan Sangh candidate in opposition to a Congress candidate merely at the request of the respondent No. 1. As stated earlier, he worked as a polling agent also on

behalf of the petitioner. It is manifest that he was one of the supporters of the petitioner and his evidence is not true.

The respondent No. 1 has entered the witness box and denied all these allegations. One of the pleas on which great stress has been laid by the respondent No. 1 is that while as a Minister of this State he had done a lot for the benefit of the area in question and also suppressed lawlessness prevailing in the Rohtak district. His case is that he won the election due to his popularity and not because he made any appeal on the ground of caste, community or use of any religious symbol. He has produced a number of witnesses including Mangal Sen (R.W. 1), the Organising Secretary of Jan Sangh party in that ilaqa and at present a member of the local Vidhan Sabha. All of them have denied with one voice that there was any exploitation of religious feelings during the election campaign conducted by the respondent No. 1. They have also stated that he never came to any one of those villages in a jeep. According to this witness he came in a black car which had no flag on it.

Shri Ram Singh (R.W. 3) who is at present a member of the local Vidhan Sabha and was elected in the last general election on the ticket of the Swatantra party belongs to village Qila Zafargarh. This village forms part of Safidon local Vidhan constituency which forms part of Rohtak Parliamentary constituency. He was elected from Jind constituency. Jind and Safidon constituencies are adjacent to each other. He stated that the respondent No. 1 came to his village after he had filed his nomination paper in the last general election some time in the month of November, 1961 and February, 1962. On the same day in the afternoon he addressed a meeting in the local school in which the deponent was present. In that meeting there was no Om flag on the stage or anywhere else. The main points stressed by the respondent in his speech was that the State Government was partial to the Punjabi region in comparison to the Hindi region in respect of development projects, irrigation and power etc. The witness also categorically denied that the respondent No. 1 made an appeal for votes in the name of Om or in the name of Hindus. He admitted in cross-examination that he had applied for a Congress ticket in the General Elections of 1952, which was refused to him. He further admitted that he sought election in 1952 as an independent candidate and later on joined United Front Party headed by S. Gian Singh Rarewala. He was also appointed a Minister in the Rarewala cabinet. After the ministry was dissolved in Pepsu he was arrested and charged with misuse of power in his capacity as a Minister of that State in regard to certain matters connected with Court of Wards and a case was started. It is obvious that no reliance can be placed upon the testimony of a witness with such a past record.

Shri Inder Singh (R.W. 4) is a member of the local Vidhan Sabha from Safidon constituency. He stood as an independent candidate. He stated that during the election campaign he had occasion to attend some meetings addressed by the respondent No. 1 in his constituency. In these meetings he did not see any Om flag nor did he hear the respondent No. 1 appealing for votes in the name of Om or Om flag. The prominent features of the speeches of the respondent No. 1 were the lack of development project, power and irrigation etc., in the Hindi region in comparison to the Punjabi region. He also stated that there is an irrigation canal in his constituency which is known as Sunder Branch which at first was a non-perennial one but during the ministership of the respondent No. 1 had become perennial. He further stated that so far as he could recollect he had attended meetings at villages Kirsola, Nidana and Morkhi. These meetings were addressed by the respondent No. 1 and in none of these meetings any reference was made by anybody including the respondent No. 1 either to Sikhs or to Gurmukhi language. He further stated that the Sikhs who are in very small number in Rohtak Parliamentary constituency were supporting the respondent No. 1 in his election and not the petitioner. He further stated that at the time of the counting of votes of his constituency he was present and found that in the village mostly inhabited by the Sikhs the respondent No. 1 had polled more votes than the petitioner. He further stated that the respondent No. 1 started his canvassing in his constituency after he had filed his nomination paper.

It is correct that this witness originally belonged to the Congress party but had left it and had joined the United Front in the Pepsu Assembly. He again joined Congress in 1958 along with Sardar Gian Singh Rarewala and others. It is also correct that he had applied for a Congress ticket in 1956 as well as in 1962 but was refused the same on both the occasions. In cross-examination he stated that only the Jan Sangh flag was to be seen in those meetings and it was wholly incorrect that any Om flags were hoisted and that an appeal for votes was made by the respondent No. 1 in the name of Om flag or on the basis of caste, creed

or religion. He also denied that any appeal was made to the people in the villages in the name of Gotra or that the respondent No. 1 had appealed for votes on the basis of a common Gotra. The reason for this attitude adopted by the respondent No. 1 as given by this witness appears to be reasonable. According to him if the canvassing had been on that line it would have alienated the members of the other Gotras. In my opinion, the evidence of this witness inspires confidence and can be safely relied upon.

The respondent No. 1, Ch. Lehri Singh has strenuously urged before me that in view of the definite allegation of the petitioner in paragraph 6(b) of the petition that Om flag was the official flag of Haryana Lok Samiti it would not have been only unwise on his part, but he would have been betraying his own party by making use of the Om flag in the meeting addressed by him, as the Haryana Lok Samiti and the Jan Sangh party were bitterly opposed to each other in the last general election. He further contends that in the aforesaid paragraph it is the definite case of the petitioner that Om flag was used on respondent No. 1's car while the entire evidence has come that he 'was using a jeep, which had an Om flag on it.' In my opinion there is some force in this contention.

It is contended by the petitioner that there is no difference between a jeep and a car. According to him, though the witnesses saw the petitioner going in a car with Om flag on it they might have under the belief that there was no difference between a car and a jeep described it as a jeep. I regret this explanation cannot be accepted. Even the villagers know the distinction between the two, for the obvious reason, that they are two distinct kinds of motor vehicles and cannot be mixed up.

There is another aspect of the matter also. It is an admitted fact that both the candidates carried on a whirlwind campaign during the election days in Rohtak Parliamentary constituency, which was a very big one. It can reasonably be inferred that the petitioner and the respondent No. 1 must have come across each other somewhere more than once during those days. If the respondent No. 1 was using 'Om flag' on a jeep or Car in his use this fact must have been noticed by the petitioner and if that was so, it would have been mentioned by the petitioner in his evidence. But the petitioner is completely silent on this point. The counsel for the petitioner has not invited my attention to any evidence regarding the use of 'Om flag' on any other kind of motor vehicle except jeep, which remains unsubstantiated.

Thus the evidence produced on behalf of the petitioner to support the allegations covered by Issues Nos. 4, 5 and 16 is not worthy of credence and cannot be accepted. The result is that none of these allegations has been established.

All the three issues are decided against the petitioner.

*Issue No. 11—*

It is decided in negative.

*Issue No. 18—*

I have given my anxious consideration to the facts and circumstances of the case and I have come to the conclusion that none of the corrupt practices alleged against the respondent No. 1 has been established beyond and reasonable doubt, and the election of the respondent No. 1 is not liable to be set aside, nor can he be held guilty of corrupt practice.

*Issue No. 19—*

The petitioner is not entitled to any of the reliefs claimed.

ORDER

The petition fails and is hereby dismissed with costs to the respondent No. 1 which I fix at Rs. 500 (Rupees five hundred).

(Sd.) S. N. SAHAI,

Member.

(6. 8. 1963)

## FORMAL ORDER

## BEFORE THE ELECTION TRIBUNAL (I) CHANDIGARH (PUNJAB)

(Presided over by Mr. S. N. Sahai)

ELECTION PETITION No. 233 OF 1962

Election Petition under S. 81 of the Representation of the People Act 1951.

In the matter of Election to the Rohtak Constituency of the House of People in the election held in February, 1962.

1. Shri Randhir Singh son of Shri Chandgi Ram, Advocate, Sonapat—*Petitioner*.*Vs.*

1. Ch. Lehri Singh, Advocate, Rohtak.
2. Shri Laxmi Narain, Trivaskas Mandir, Sonapat.
3. Shri Laxman Singh, Chhotu Ram Bhawan, Rohtak.
4. Shri Sarup Singh, B.A., LL.B., Pleader, Gohana.
5. Shri Karan Singh Malik, Village Bhaigan, tahsil Sonapat.
6. Shri Phool Singh, Village Nidana, Tahsil Gohana—*Respondents*.

This Election petition coming on this 6th day of August, 1963 for final disposal before Mr. Sri Narain Sahai, Member, Election Tribunal (I) Chandigarh (Punjab) in the presence of:—

1. Shri Anand Swarup, Advocate,
2. Shri R. S. Mittal, Advocate

} *Counsel for the petitioner.*

AND

1. Shri Rajinder Sachar, Advocate,
2. Shri Sukhbir Singh, Advocate,
3. Shri Suraj Bhan, Advocate,
4. Shri Shambu Lal Puri, Advocate.
5. Shri Munishwar Puri, Advocate.

} *Counsel for respondent No. 1.*

(The case proceeded ex parte against respondents Nos. 2, 3, 4, 5 &amp; 6.)

IT IS HEREBY ORDERED that the petition be and is dismissed and that the sum of rupees five hundred (Rs. 500 00) be paid by the petitioner to the respondent No. 1 on account of the costs of this petition.

Given under my hand and the seal of this Tribunal. this 6th day of August, 1963.

S. N. SAHAI, Member.

Election Tribunal (I), Chandigarh. Punjab.

[No. 82/233/62.]

By Order,

V. RAGHAVAN, Under Secy.

New Delhi, the 28th August 1963

**S.O. 2519.**—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission in consultation with the Government of Mysore hereby nominates Shri C. Govinda Raju as the Chief Electoral Officer for the State of Mysore with effect from the date he takes over charge and until further orders vice Shri Syed Murshed Peer on leave.

[No. 154/9/63.]



*New Delhi, the 31st August 1963*

**S.O. 2520.**—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Andhra Pradesh, hereby nominates Shri Bharat Chand Khanna, I.A.S., as the Chief Electoral Officer for the State of Andhra Pradesh with effect from the date he takes over charge and until further orders *vice* Shri A. Krishnaswamy Aiyangar, transferred.

[No. 154/1/63.]

By Order,

PRAKASH NARAIN, Secy.

## MINISTRY OF HOME AFFAIRS

*New Delhi, the 28th August 1963*

**S.O. 2521.**—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Govt. of India in the Ministry of Home Affairs No. S.R.O. 628 dated the 28th February 1957, namely:—

In the Schedule to the said notification in Part II—General Central Service, Class III, for the existing entries under the heading “Union Public Service Commission”, the following shall be substituted, namely:—

1	2	3	4	5
Union Public Service Commission.				
Technical Assistants } Research Assistants }	Secretary, Union Public Service Commission.	Secretary Union Public Service Commission.	All	Chairman, Union Public Service Commission.
Other Posts	Deputy Secretary, Union Public Service Commission.	Deputy Secretary Union Public Service Commission.	All	Secretary, Union Public Service Commission.

[No. F. 22/10(I)/63-Ests(B).]

K. THYAGARAJAN, Under Secy.

## ORDER

*New Delhi, the 2nd September 1963*

**S.O. 2522.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), the Central Government, after consulting the Governments of the States of Madhya Pradesh and Rajasthan, approves the Scheme forwarded by the Government of Madhya Pradesh relating to the reorganisation of Madhya Bharat Nurses, Midwives and Health Visitors Council, a corporation established under the Madhya Bharat Nurses, Midwives and Health Visitors Registration Act, 1955 (2 of 1955) and functioning in parts of the States of Madhya Pradesh and Rajasthan and for the purpose of giving effect to the Scheme so approved, the Central Government hereby makes the following order, namely:—

1. **Short title and commencement.**—This order may be called the Madhya Bharat Nurses, Midwives and Health Visitors Council (Reorganisation) Order, 1963.

(2) It shall come into force on the 1st day of October, 1963.

**2. Definitions.**—In this order, unless the context otherwise requires—

- (a) "Act" means the Madhya Bharat Nurses, Midwives and Health Visitors Registration Act, 1955 (2 of 1955);
- (b) "Appointed Day" means the date of commencement of this Order;
- (c) "Existing Council" means the Madhya Bharat Nurses, Midwives and Health Visitors Council constituted under the Act;
- (d) "Sunel Tappa" means the territories specified in clause (d) of sub-section (1) of section 10 of the States Reorganisation Act, 1956 (37 of 1956); and
- (e) "Schedule" means a Schedule appended to this Order.

**3. Exclusion of Sunel Tappa from the existing Council.**—As from the appointed day, the existing Council shall cease to function and operate in Sunel Tappa.

**4. Adaptations and Modifications of the Act.**—As from the appointed day, the Act shall, until altered, repealed or amended by the competent legislature, have effect subject to the adaptations and modifications specified in the Schedule hereto annexed.

#### SCHEDULE

(See paragraph 4)

#### THE MADHYA BHARAT NURSES, MIDWIVES AND HEALTH VISITORS REGISTRATION ACT, 1955 (2 OF 1955). of 1956)."

**Section 1**—In sub-section (2), for the words "Madhya Bharat", the words "Madhya Bharat region" shall be substituted.

**Section 2**—After clause (i), the following clauses shall be inserted namely:—

- (j) "Madhya Bharat region" means the territories which immediately before the 1st day of November, 1956, were comprised in Part 'B' State of Madhya Bharat excluding Sunel Tappa;
- (k) "Pre-reorganisation State of Madhya Bharat" means the territories which immediately before the 1st day of November, 1956, were comprised in Part 'B' State of Madhya Bharat;
- (l) "Sunel Tappa" means the territories specified in clause (d) of sub-section (1) of section 10 of the States Reorganisation Act, 1956 (37 of 1956).

**Section 4**—(1) In sub-section (1),

- (i) in sub-clause (i) of clause (a) for the words "Madhya Bharat", the words "Madhya Pradesh" shall be substituted;
- (ii) in sub-clauses (vi) and (vii) of clause (a), for the words "Madhya Bharat", the words "Madhya Bharat Region" shall be substituted;
- (iii) in sub-clause (ii) of clause (b), for the words "Madhya Bharat", the words "Madhya Pradesh" shall be substituted;
- (iv) in sub-clause (vi) of clause (b), for the words "Madhya Bharat", the words "Madhya Bharat Region" shall be substituted.

(2) In sub-section (2), for the words "Madhya Bharat", the words "Madhya Pradesh" shall be substituted.

**Section 24.**—For the words "Madhya Bharat" wherever they occur, the words "Pre-reorganisation State of Madhya Bharat" shall be substituted.

**Section 40.**—For the words "Madhya Bharat", the words "Pre-reorganisation State of Madhya Bharat" shall be substituted.

[No. F. 8/3/62-SR(R).]

K. R. PRABHU, Dy. Secy.

MINISTRY OF FINANCE  
(Department of Economic Affairs)  
New Delhi, the 30th August 1963

S.O. 2523.—Statement of the Affairs of the Reserve Bank of India, as on the 23rd August, 1963.  
BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	27,43,21,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	2,90,000
National Agricultural Credit (Long Term Operations) Fund . . . . .	73,00,00,000	Small Coin . . . . .	3,18,000
National Agricultural Credit (Stabilisation) Fund . . . . .	8,00,00,000	National Agricultural Credit (Long Term Operations) Fund . . . . .	
		(a) Loans and Advances to :—	
		(i) State Governments . . . . .	27,16,58,000
		(ii) State Co-operative Banks . . . . .	10,25,31,000
		(iii) Central Land Mortgage Banks . . . . .	..
		(b) Investment in Central Land Mortgage Bank Debentures . . . . .	3,54,60,000
Deposits :—		National Agricultural Credit (Stabilisation) Fund . . . . .	..
(a) Government . . . . .		Loans and Advances to State Co-operative Banks . . . . .	..
(i) Central Government . . . . .	65,04,46,000	Bills purchased and Discounted :—	
(ii) State Governments . . . . .	15,19,02,000	(a) Internal . . . . .	..
(b) Banks . . . . .		(b) External . . . . .	..
(i) Scheduled Banks . . . . .	99,74,75,000	(c) Government Treasury Bills . . . . .	91,44,00,000
(ii) State Co-operative Banks . . . . .	1,80,99,000	Balances held Abroad* . . . . .	8,35,36,000
(iii) Other Banks . . . . .	5,15,000	Loans and Advances to Governments** . . . . .	17,86,00,000
(c) Others . . . . .	160,25,23,000	Loans and Advances to :—	
Bills Payable . . . . .	33,46,94,000	(i) Scheduled Banks† . . . . .	37,45,000
Other Liabilities . . . . .	19,44,77,000	(ii) State Co-operative Banks†† . . . . .	125,98,55,000
		(iii) Others . . . . .	1,61,30,000
		Investments . . . . .	223,31,10,000
		Other Assets . . . . .	23,61,77,000
	Rupees 561,01,31,000		Rupees 561,01,31,000

\*Includes Cash and Short-term Securities.

\*\*Excludes Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund.

† Includes Rs. NIL advanced to scheduled banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 28th day of August 1963.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 23rd day of August, 1963.

## ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department .	27,43,21,000		Gold Coin and Bullion :—		
Notes in circulation . . . . .	2208,73,56,000		(a) Held in India . . . . .	117,76,10,000	
Total Notes issued . . . . .		2236,16,77,000	(b) Held outside India . . . . .	..	
			Foreign Securities . . . . .	89,46,14,000	
			TOTAL . . . . .		207,22,24,000
			Rupee Coin . . . . .		121,82,77,000
			Government of India Rupee Securities . . . . .		1907,11,76,000
			Internal Bills of Exchange and other commercial paper . . . . .		..
TOTAL LIABILITIES . . . . .		2236,16,77,000	TOTAL ASSETS . . . . .		2236,16,77,000

Dated the 28th day of August 1963

P. C. BHATTACHARYYA,  
Governor.

[No. F. 3(2)-BC/63.]

A. BAKSI, Jt. Secy.

(Department of Economic Affairs)

New Delhi, the 31st August 1963

**S.O. 2524.**—Whereas the Central Government is of the opinion that it is necessary in the public interest to exempt the under-mentioned bodies from the operation of the provisions of sub-rule (1) of rule 126C of the Defence of India Rules, 1962;

Now, therefore, in exercise of the powers conferred by rule 126U of the Defence of India Rules, 1962, the Central Government hereby exempts the Reserve Bank of India, any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959) and any banking company as defined in clause (c) of sub-section (1) of section 5 of the Banking Companies Act, 1949 (10 of 1949), from the operation of the provisions of sub-rule (1) of rule 126C of the Defence of India Rules, 1962, in so far as the said sub-rule prohibits the sale or transfer or exhibition for sale or transfer of any ornament having gold of a purity exceeding fourteen carats.

[No. F. 1/56/63-GC.]

R. K. SESHADRI, Dy. Secy.

(Department of Economic Affairs)

(Office of the Controller of Capital Issues)

New Delhi, the 27th August 1963

**S.O. 2525.**—In exercise of the powers conferred by sub-section (1) of section 6 of the Capital Issues (Control) Act, 1947 (29 of 1947), the Central Government hereby exempts the Industrial Credit and Investment Corporation of India Ltd. from the provisions of sections 3 and 5 of the said Act in respect of the bonds of the value not exceeding the equivalent of \$ 30,000,000 (thirty million dollars) executed and delivered by the said Corporation to or on the order of the International Bank for Reconstruction and development in terms of the Loan Agreement No. 340 IN dated the 5th June, 1963, entered into between the said two parties.

(No. R. 258-CCI/63.)

M. K. VENKATACHALAM,  
Controller of Capital Issues.

ERRATUM

The S.O. No. of Notification No. 19/F. No. 5/36/63-Ed., dated 16th August, 1963, of Ministry of Finance, published in the Gazette of India, Part II—Section 3(ii), dated 24th August, 1963, on pp. 2736-37 may be read as "2362".

CENTRAL BOARD OF REVENUE

CORRIGENDUM.

New Delhi, the 31st August, 1963.

**S.O. 2526.**—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Revenue hereby direct that in its Notification No. 52 (F. No. 55/1/62-IT), dated 19th August, 1963, published as S.O. 2368, on pages 2740-42 of Part II Section 3(ii) of the Gazette of India dated 24th August, 1963.

- (1) Against 4. Bombay City I, under column 3 of the schedule appended thereto, the following shall be added:—

"13. Bombay Circle I (E.P.T.).

14. Income-tax-cum-Estate Duty Circle." and

- (2) Against 5A. Bombay City III, under column 3 the existing entry at item No. 4 shall be substituted by the following:—

"4. Companies Circle III (All Sections except Section 6)."

[No. 57 (F. No. 55/1/62-IT).]

J. RAMA IYER Under Secy.

**CENTRAL EXCISE COLLECTORATE, DELHI****CENTRAL EXCISE**

*New Delhi, the 27th July, 1963.*

**S.O. 2527.**—In exercise of the powers conferred upon me under Rules 15 and 16 of Central Excise Rules, 1944 and in partial modification of the Notification issued under this office C. No. V(a)24/35/Int/57/23709, dated the 14th May, 1958, I hereby notify that no declaration will be necessary under said Rules, in respect of un-manufactured tobacco grown in areas not exceeding the limits specified in column 8 of the sub-joined schedule and cured in quantities not exceeding the limits indicated in column 9 of the same schedule in the whole of the revenue jurisdictions set out in column 7 thereof falling within the jurisdiction of the respective Revenue Tehsils mentioned in column 6 and Chandigarh Central Excise, Division.

SCHEDULE

Serial No.	Name of the Central Excise Division	Name of the Central Excise Circle	Name of Range	Name of the Revenue District	Name of the Tehsil	Revenue villages exempted under Rules 15 & 16	Maximum area up to which a grower may cultivate tobacco without a declaration under rule 15 of C.E. Rules 1944 in areas specified in Col. 7	Quantity up to which a curer may cure tob. without a declaration under rule 16 of C.E. Rules within the areas specified in Col. 7
1	2	3	4	5	6	7	8	9
1.	Chandigarh	Chandigarh MOD.	Chandigarh MOR	Ambala Do.	Ambala Rupar	All villages except :— (i) Dakala.	4 acres Do.	36 K. gms. Do.
				Do.	Kharar (Excluding Kalka Sub-Tehsil)	All villages except :— (i) Khizerabad (ii) Ludhanganh (iii) Maloya	Do.	Do.
2.	Do.	Do.	Surajpur MOR	Do.	Kharar (Kalka Sub-Tehsil)	All villages except :— (i) Bhankerpur	Do.	Do.
				Do.	Nalagarh	All villages except :— (i) Rajpura (ii) Dahota	Do.	Do.
3.	Do.	Do.	Nahan	Do.]	Naraingarh	All villages except :— (i) Sadhora (ii) Tuda	Do.	Do.

1	2	3	4	5	6	7	8	9	
4.	Chandigarh	Chandigarh MOD	Simla	Simla	All Teshils	All villages	.	4 acres	36 Kgms.
5.	Do.	Do.	Patiala	Patiala	Patiala Rajpura Nabha	All villages All villages All villages	.	Do. Do. Do.	Do. Do. Do.
6.	Do.	Do.	Gobindgarh MOR	Patiala	Bassi- Pathana.	All villages	.	Do.	Do.
7.	Do.	Do.	Bhatinda MOR	Bhatinda	All Tehsils	All villages	.	Do.	Do.
8.	Do.	Do.	Dhuri MOR	Sangrur Do. Do. Do.	Sangrur Barnala Maler- Kotla Sunam	All villages All villages All villages All villages	.	Do. Do. Do. Do.	Do. Do. Do. Do.
9.	Do.	Do.	Jind SOR	Do.	Jind	All villages except :— (i) Pokher Kheri (ii) Ram Rai (iii) Ihtal Kalan (iv) Ghimana (v) Sanghana (vi) Safidon (vii) Bishanpura (viii) Kishanpura (ix) Sahabpura (x) Kandela	.	Do.	Do.
10.	Do.	Do.	Narwana SOR	Sangrur	Narwana	All villages	.	Do.	Do.
11.	Do.	Ludhiana Circle	Ludhiana MOR I.	Ludhiana	Ludhiana	All villages	.	Do.	Do.
12.	Do.	Do.	Khanna MOR	Do.	Jagraon	All villages	.	Do.	Do.



12A.	Do.	.	Do.	Khanna MOR	Do. Do.	Samrala Gill Gardawari of Ludhiana Tehsil	All villages All villages	.	.	.	.	.	Do. Do.	Do. Do.
13.	Chandigarh	.	Ludhiana	Ferozepur SOR	Ferozepur	Ferozepur	All villages except :— (i) Mallowal (ii) Khana-ki-Ahal (iii) Bazidpur (iv) Rakheri (v) Hazara Singh-wala (vi) Chhanga Khurd	.	.	.	.	.	4 acres	36 Kgms.
14.	Do.	.	Do.	Abohar SOR	Do. Do.	Muktsar Fazilka	All villages All villages	.	.	.	.	.	Do. Do.	Do. Do.
15.	Do.	.	Do.	Moga SOR	Do.	Moga Zira	All villages All villages	.	.	.	.	.	Do. Do.	Do. Do.
16.	Do.	.	Jullundur Circle	Jullundur MOR	Jullundur	Jullundur	All villages	.	.	.	.	.	Do.	Do.
17.	Do.	.	Do.	Phagwara MOR	Do. Do.	Nakodar Phillaur	All villages All villages except :— (i) Lassara (ii) Karyana	.	.	.	.	.	Do. Do.	Do. Do.
18.	Do.	.	Do.	Kapurthala SOR	Kapurthala Do.	Phagwara Kapurthala	All villages All villages	.	.	.	.	.	Do. Do.	Do. Do.
19.	Do.	.	Do.	Hoshiarpur SOR	Hoshiarpur Do.	Hoshiarpur Dasauya	All villages except :— (i) Phuglana All villages	.	.	.	.	.	Do. Do.	Do. Do.
20.	Do.	.	Do.	Nangal SOR	Do.	Una	All villages except (i) Ajnali	.	.	.	.	.	Do.	Do.
21.	Do.	.	Do.	Garh- Shanker MOR.	Do.	Garh- Shanker	All villages except :— (i) Garhi (ii) Mutton (iii) Bhamian (iv) Mehtabpur (v) Pallewal	.	.	.	.	.	4 acres	36 Kgms.

1	2	3	4	5	6	7	8	9
						(vi) Garshankar (vii) Bona (viii) Khanpur (ix) Ghagon Roranwali (x) Kullewal (xi) Balachaur (xii) Rattewal (xiii) Birampur (xiv) Bagwain (xv) Nangal (xvi) Gogon (xvii) Dugri (xviii) Ibrahimpur (xix) Thana (xx) Tonsa (xxi) Rurki Muglan (i) Rahon		
			Jullundur	Nawan-Shahar	All villages except :—		4 acres 36 Kgms.	

[C. No. V(a)(24)11/Int/63/Pt. II]  
K. NARASIMHAN, Collector.

**COLLECTORATE OF CENTRAL EXCISE: CALCUTTA & ORISSA: CALCUTTA****CENTRAL EXCISES***Calcutta, the 17th August 1963*

**S.O. 2528.**—In supersession of this Collectorate Notification No. 2/1960, dated 1st April 1960, I hereby empower the Central Excise Officers, specified in the following table, for purposes of the rules enumerated in Column 3 of the table subject to restrictions set out in column 4 thereof:—

**TABLE**

Sl. No.	Rank of Officer.	Relevant Central Excise Rule in respect of which power is vested.	Restrictions, if any.
1	2	3	4
1.	All Central Excise Officers not below the rank of a Sub-Inspector.	157 and 199	—
2.	All Central Excise Officers not below the rank of a Sub-Inspector.	200	The power of search and seizure in respect of manufactured excisable goods shall not be exercised by the Sub-Inspector.

[No. 5/1963.]

R. PRASAD, Collector.

**MINISTRY OF COMMERCE AND INDUSTRY****(Office of the Jt. Chief Controller of Imports and Exports, Bombay)****NOTICE***Bombay, the 3rd August 1963*

**S.O. 2529.**—It is hereby notified that in exercise of the powers conferred by Clause 9(a) of the Import (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry proposes to treat as ab-initio-void licence No. E. 865420, dated 27th August 1962 valued at Rs. 13,428 for the import of Motor Vehicle Parts from General Area except South and South West Africa, which has been obtained from the Joint Chief Controller of Imports and Exports, Bombay by M/s. Prima Auto Trade Agencies, 83, Nagdevi Street, Bombay-3, fraudulently on the basis of forged Quota Certificate, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports & Exports, Bombay within ten days of the receipt of this Notice by the said M/s. Prima Auto Trade Agencies, Bombay or any other party or any Bank who may be interested in it.

[No. 1/389/62/CDN.II.]

R. R. KIRPALANI,

**Dy Chief Controller of Imports and Exports.**

## (Indian Standards Institution)

*New Delhi, the 27th August 1963*

**S.O. 2530.**—In partial modification of the then Ministry of Commerce and Industry (Indian Standards Institution) Notification published under S.O. 2955 dated the 28th November 1960 in the Gazette of India Part II, Section 3, Sub-Section (ii) dated the 10th December 1960, the Indian Standards Institution here by notifies that the marking fee per unit for Phenol-Formaldehyde Moulding Powder (For General Purpose Mouldings) details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with immediate effect.

## THE SCHEDULE

Sl. No.	Product/Class of Product No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
1	Phenol-Formaldehyde Moulding Powder (For General Purpose Mouldings). IS: 1300-1959 Specification for Phenol-Formaldehyde Mouldings Powder (For General Purpose Mouldings).	One Metric Tonne	Rs. 5.00 per unit for the first 300 units with a minimum of Rs. 1 500.00 for production during a calendar year; Rs. 3.00 per unit for the quantity above 300 units.

[No. MD/18:2.]

S. K. SEN,

Head of the Certification Marks Department

## MINISTRY OF INDUSTRY

## ORDER

*New Delhi, the 28th August 1963*

**S.O. 2531/IDRA/6/3.**—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, for a period of two years with effect from the date of this Order, the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture of production of Non-Ferrous Metals, including Alloys and Semi-Manufactures thereof, in place of members appointed under the Government of India, late Ministry of Commerce and Industry Order No. S.O. 1003 dated the 28th April, 1961, as amended from time to time, whose term of office has expired by efflux of time or otherwise:—

## DEVELOPMENT COUNCIL FOR NON-FERROUS METALS AND ALLOYS

## —Chairman

1. Shri A. L. Sabharwal, General Manager, M/s. Indian Aluminium Co., 31, Chowringhee Road, Calcutta-16.
2. Shri T. C. Saboo, M/s. Hindusthan Aluminium Corporation Ltd., Renukot (U.P.).
3. Shri N. A. B. Hill, General Manager, M/s. Indian Copper Corporation Ltd., Ghatasila (Bihar State).
4. Shri S. N. Mukherjee, Mill Superintendent, Zawar Mines, M/s. Metal Corporation of India, Udaipur (Rajasthan State).
5. Shri F. A. Jasdanwalla, M/s. The Indian Standard Metal Co. Ltd., I.S.M. Estate, Chinchokli Cross Lane, Bombay-27.
6. Shri G. D. Binani, M/s. Multi Metals Ltd., 38, Strand Road, Calcutta-1.
7. Shri H. K. Shah, M/s. Jeewan Lal (1929) Ltd., 23, Brabourne Road, Calcutta.
8. Shri R. B. Bainbridge, M/s. Bengal Ingot Co. Ltd., 5, Hilde Road, Kidderpore, Calcutta-43.

9. Shri S. P. Khaitan, M/s. Indian Smelting & Refining Co. Ltd., Industry House, 159, Churchgate Reclamation, Bombay-1.
  10. Shri A. M. Elijah, M/s. Bombay Metal & Alloys Mfg. Co. (P.) Ltd., Post Bag No. 6210, Mazagaon, Bombay-10.
  11. Shri J. M. Dodeja, M/s. Devidayal, Tube Industries (P.) Ltd., Devidayal Nagar, Kanjur Village, Bhandup, Bombay-78.
  12. Shri V. G. G. Nayar, M/s. Aluminium Industries Ltd., Kundara (Kerala State).
  13. Shri P. S. Shavaksha, Managing Director, M/s. Indian Cable Co. Ltd., 9, Hare Street, Calcutta.
  14. Shri D. D. Desai, M/s. Power Cables (P.) Ltd., Thakersey House, Graham Road, Ballard Estate, Bombay.
  15. Shri T. Ghose, A. T. Gooyee Metal Works Pvt., 11-A, Umakanto Sen Lane, Calcutta-30.
  16. Shri Jagadish Prasad Agarwal, Tiruna Tola, Mirzapur (U.P.).
  17. Shri N. Chidambaram, Deputy Secretary, Ministry of Industry, New Delhi.
  18. Dr. P. Dayal, Development Officer, Dte. General of Technical Development, New Delhi.
  19. The Director, National Metallurgical Laboratory, Jamshedpur.
  20. Shri M. Butt, Joint Secretary, Ministry of Mines and Fuel, New Delhi.
  21. Shri L. K. Dhawan, Joint Director, Railway Stores (Development), Railway Board, New Delhi.
  22. Shri L. S. Tamankhar, Project Engineer, M/s. Heavy Electricals (India) Ltd., Bhopal.
  23. Shri Dahyabhai K. Patel, Majoor Mahajan Mandal, Raopura, Baroda.
  24. Shri P. L. Subblah, INTUC Office, Trichy Road, Coimbatore.
2. Dr. P. Dayal, Development Officer, Ministry of Economic & Defence Co-ordination, New Delhi, is hereby appointed to carry on the functions of the Secretary to the said Development Council.

[No. 1(7)/L.Pr./63.]

K. J. GEORGE, Dy. Secy.

#### CORRIGENDUM

*New Delhi, the 2nd September 1963*

**S.O. 2532.**—In the Ministry of Industry Order No. S.O. 2378, dated the 19th August, 1963, published in Part II, Section 3, Sub-Section (ii) of the Gazette of India dated the 24th August, 1963:—

*For* 19. Shri Jayant Shah, M/s. Batala Engineering Co. Ltd., G. T. Road, Batala (Punjab).

*Read* 19. Shri Jayant H. Shah, Managing Director, M/s. Batala Engineering Co. Ltd., C/o M/s. Mukand Iron & Steel Works Ltd., Agra Road, Kurla, Bombay-70.

[No. 1(9)/L. Pr./63.]

S. P. KRISHNAMURTHY, Under Secy.

#### MINISTRY OF INTERNATIONAL TRADE

*New Delhi, the 30th August 1963*

**S.O. 2533.**—In pursuance of sub-rule (4) of rule 155 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that in exercise of the powers conferred by clause (a) of sub-rule (1) of the said rule, the Central Government has removed the name of Shri G. S. Ranade from the Register of Trade Marks Agents.

[No. 6(3)-Com. Genl. (TM)/63.]

M. L. GUPTA, Under Secy.

**(Office of the Chief Controller of Imports and Exports)****ORDER***New Delhi, the 29th August 1963*

**S.O. 2534.**—Whereas M/s. Sethna Electric Supply Co., 151/4, Cavel Cross Lane No. 6, Bombay-2 or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. CCI/I(C)/7/63/1510, dated the 2nd August, 1963, proposing to cancel licences Nos. (i) No. G 995321/59/GC/CCI/HQ, dated 6th October 1959, valued at Rs. 22,668 and (ii) G 995322/59/GC/CCI/HQ, dated 6th October 1959 valued Rs. 39,815, for the import of (i) Burette & Boiling Flasks etc., and (ii) M.E.M. Switch Fuses etc., respectively, from the S.C. Area except South Africa, granted by the Chief Controller of Imports & Exports to M/s. Sethna Electric Supply Co., 151/4, Cavel Cross Lane No. 6, Bombay-2, Government of India, in the Ministry of International Trade, in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, hereby cancel the said licence Nos. G 995321/59/GC/CCI/HQ and G 995322/59/GC/CCI/HQ, both dated 6th October 1959 issued in the name of the said M/s. Sethna Electric Supply Co., 151/4, Cavel Cross Lane No. 6, Bombay-2.

[No. CCI/I(C)/7/63.]

**SUSHIL KUMAR,**

Dy. Chief Controller of Imports & Exports  
For Chief Controller of Imports & Exports.

**MINISTRY OF HEALTH***New Delhi, the 28th August 1963*

**S.O. 2535.**—In exercise of the powers conferred by Section 3 of the Delhi Development Act, 1957 (61 of 1957), the Central Government hereby nominates Shri Gian Prakash, Joint Secretary to the Government of India, as a member of the Delhi Development Authority in place of Shri G. Mukharji, and makes the following further amendment in the notification of the Government of India in the Ministry of Health No. 12-173/57-LSG, dated the 30th December, 1957, namely:—

In the said notification, in item 9, for the entry "Shri G. Mukharji, Joint Secretary to the Government of India, Ministry of Health," the following entry shall be substituted, namely:—

"Shri Gian Prakash, Joint Secretary to the Government of India, Ministry of Health."

[No. F. 10-7/62-L.S.G.]

**R. K. RAMADHYANI, Secy.****MINISTRY OF TRANSPORT & COMMUNICATIONS****(Department of Transport)****(Transport Wing)****PORTS.***New Delhi, the 30th August 1963*

**S.O. 2536.**—In pursuance of sub-section (2) of section 9 of the Madras Port Trust Act, 1905 (Madras Act 2 of 1905) it is hereby notified that in accordance with the provisions of section 13 of the said Act, Shri R. C. Shearer of Messrs. Gordon Woodroffe & Co. (Madras) Private Ltd., Madras, has been elected by the Madras Chamber of Commerce to be a trustee of the Port of Madras, with effect from the 8th August, 1963, in the vacancy caused by the resignation of Shri A. R. Liddiard.

[No. F. 13-PG(29)/63.]

**HARBANS SINGH, Under Secy**

(Department of Communications and Civil Aviation)

(P. & T. Board)

New Delhi, the 26th August 1963

**S.O. 2537.**—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Communications (Posts and Telegraphs) No. S.R.O. 620 dated the 28th February, 1957, namely:—

In the Schedule to the said notification,—

(1) in Part II-General Central Services, Class III—

- (a) in the heading "Circle Offices and Returned Letter Offices" in column (1), the following words shall be added, namely:—

"including the office of the Director, Telecommunications Training Centre",

- (b) under the heading "Office of the Additional Chief Engineer, Technical and Development Circle, and other offices under his jurisdiction" the following entry occurring in columns (2), (3) and (5) shall be omitted, namely:—

"Divisional Engineer, Telegraph Training Centre, Jabalpur".

- (c) in the heading "Telegraph Engineering Divisions and Sub-Divisions" in column (1), the following words shall be added, namely:—

"Including Regional or Circle Telecommunications Training Centres".

(2) in Part III-General Central Service, Class IV.—

- (a) in the heading "Circle Offices and Returned Letter Offices" in column (1), the following words shall be added, namely:—

"including the office of the Director, Telecommunications Training Centre",

- (b) under the heading "Office of the Additional Chief Engineer, Technical and Development Circle and other offices under his jurisdiction" the following entry in column (5) shall be omitted, namely:—

"Divisional Engineer, Telegraph Training Centre".

- (c) in the heading "Telegraph Engineering Divisions and Sub-Divisions" in column (1), the following words shall be added, namely:—

"Including Regional or Circle Telecommunications Training Centres".

(No. 44/15/61-Disc.)

D. K. AGARWAL,

Assistant Director General.  
(P. & T.)

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

ARCHAEOLOGY

New Delhi, the 5th August 1963

**S.O. 2538.**—Whereas by notification of the Government of India in the Ministry of Scientific Research and Cultural Affairs No. F. 4-7/63-C.I. dated 23rd May, 1963, published in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the

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1st June, 1963, the Central Government gave notice of its intention to declare the archaeological monument specified in the Schedule below to be of national importance.

And, whereas; no objections have been received to the making of such declaration.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological monument to be of national importance.



**MINISTRY OF WORKS, HOUSING & REHABILITATION**

**(Department of Rehabilitation)**

**(Office of the Chief Settlement Commissioner)**

*New Delhi, the 27th August 1963*

**S.O. 2539.**—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints for the State of Rajasthan Shri B. M. Lal, Assistant Settlement Officer, in the office of the Regional Settlement Commissioner, Jaipur as Managing Officer for the custody, management and disposal of Compensation Pool with effect from the date he took over charge of his office.

[No. 8/235/ARG/62.]

*New Delhi, the 29th August 1963*

**S.O. 2540.**—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints for the Union Territory of Delhi, Shri D. C. Chahal, Assistant Settlement Officer, in the office of the Regional Settlement Commissioner, Delhi as Managing Officer for the custody, management and disposal of Compensation Pool with effect from 1st August, 1963.

[No. 8(247)ARG/62.]

*New Delhi, the 30th August 1963*

**S.O. 2541.**—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints for the State of Punjab Shri Rattan Lal Gupta, for the time being holding the post of Accounts Officer under the Regional Settlement Commissioner, Jullundur, as Managing Officer for the custody, management and disposal of Compensation Pool, with immediate effect.

[No. 4(14)Admn(Prop)/60-ARG.]

**KANWAR BAHADUR,**

Settlement Commissioner (A) & Ex-Officio Dy. Secy.

**DELHI DEVELOPMENT AUTHORITY**

*New Delhi, the 30th August 1963*

**S.O. 2542.**—In pursuance of the provisions of sub-section (4) of Section 22 of the Delhi Development Act, 1957, the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land and Development Officer, Ministry of Works, Housing and Supply, Government of India, New Delhi for further transfer to Director of Education, Delhi Administration for a school.

**SCHEDULE**

Piece of land measuring 1298 sq. yds. bearing khasra Nos. 1377/153 & 1378/153 Min. situated in W.E.A., Karol Bagh.

The above piece of land is bounded as follows:—

**NORTH:** CALTAX Petrol Pump.

**SOUTH:** Lane Khasra No. 1376/153 Min.

**EAST :** Liberty Cinema.

**WEST :** Road (Rohtak Road).

[No. L.2(43)59.]

**R. K. VAISH, Secy.**

**MINISTRY OF INFORMATION AND BROADCASTING***New Delhi, the 28th August 1963*

**S.O. 2543.**—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints the following persons as members of the Advisory Panel of the said Board at Madras with immediate effect.

- (1) Shri T. Shivakumar Reddi
- (2) Shri V. V. L. Prabhakar

(No. 11/4/62-FC.)

S. PADMANABHAN, Under Secy.

**MINISTRY OF LABOUR AND EMPLOYMENT***New Delhi, the 26th August 1963*

**S.O. 2544.**—In exercise of the powers conferred by clause 48 of the Personal Injuries (Emergency Provisions) Scheme, 1962, the Central Government hereby makes the following Regulations to amend the Personal Injuries (Emergency) Regulations, 1962, namely:—

*Short title.*—These Regulations may be called the Personal Injuries (Emergency) Amendment Regulations, 1963.

*Amendment of forms A1, A2, B1 and B2 appended to the Regulations.*—In the Personal Injuries (Emergency) Regulations, 1962, for the Forms A-1, A-2, B-1 and B-2, the following Forms shall be substituted, namely:—

**FORM A-1**

(See Regulation 3)

**CASUALTY IDENTITY LABEL****Obverse**

Date.....  
 Name ..... Age ..... Sex.....  
 Father's or Husband's Name .....  
 Address .....  
 Site of injury .....  
 Nature of injury .....  
 Special Instructions .....

Signature,  
 Leader, F.A. Post No.  
 F.A. Post.

**REVERSE**

1. To  
 From First Aid Post No.  
 .....  
 Forwarded for treatment and disposal.
2. To Medical Superintendent,  
 .....Hospital,  
 .....

Please admit

*N.B.*—If discharged from F.A. Post, cross out 2 and give this card to the patient with instructions, where necessary to present it at the nearest hospital for further treatment on the same or the next day.

FORM A-2

(See Regulation 3)

CASUALTY REGISTER BOOK

This form should be prepared in quadruplicate using carbon paper:—

- (1) Original for F.A. post;
- (2) Duplicate for Medical Superintendent of the Hospital; this copy along with the Casualty Identity Label should be given to the injured person if he is discharged;
- (3) Triplicate for Medical Officer Casualty Service;
- (4) Quadruplicate for the Personal Injuries Claims Officer through the local C.D. Headquarters.

F.A. Post.....  
 Town and District .....  
 Date and time of arrival .....  
 Name ..... Age ..... Sex.....  
 Father's or Husband's Name .....  
 Address .....  
 Occupation .....  
 If civil defence volunteer ..... On duty/ Off duty  
 By whom brought .....  
 Nature and cause of injury .....  
 Treatment .....  
 A.T. Serum .....  
 Morphia, dose and time .....  
 Disposal .....  
 Special Instructions .....

Medical Officer Incharge,  
 F.A. Post.

FORM B-1

(See Regulation 3)

PERSONAL INJURY CASUALTY IN-PATIENT BOOK

This form should be prepared in duplicate, using carbon paper:—

- (1) Original for hospital;
- (2) Duplicate for the Personal Injuries Claims Officer through local C.D. Headquarters.

Hospital, ....., No. ....  
 Town and District .....  
 Date of admission .....  
 Name ..... Age ..... Sex.....  
 Father's or Husband's Name .....  
 Address.....  
 Occupation (Note if C.D.V.) .....  
 Where first treated (with date) .....  
 F.A. Post at .....

By whom brought.....  
 Date of injury .....  
 Name and probable cause of injury (Note if gassed) .....  
 Name and address of next of kin .....  
 Date of discharge .....  
 Date of transfer to out-patient Department. ....

Medical Officer.

FORM B-2

(See Regulation 3)

PERSONAL INJURY CASUALTY OUT-PATIENT BOOK

This form should be prepared in triplicate using carbon paper:—

- (1) Original for the hospital/dispensary;
- (2) Duplicate for the Claims Officer through the local C.D. Headquarters;
- (3) Triplicate for the patient.

Hospital/Dispensary No.....  
 Town and District .....  
 Name.....Age.....  
 Father's or Husband's Name .....  
 Address.....  
 Occupation (note if C.D.V.) .....  
 Where first treated (with date) .....  
 F.A. Post.....  
 Casualty Book No. ....  
 Whether ex-in-patient .....  
 Date of injury .....  
 Probable cause of injury .....  
 Date of first treatment in O.P.D. ....  
 Whether incapacitated for work .....

Medical Officer.

REVERSE

1. Hospital's copy:

Make entries in the following table on each occasion when the patient is treated. When discharged, write "Discharged" and the date.

Particulars of any refusal to undergo treatment should be noted.

*Dates of further treatment and discharge*

Date	Whether incapacitated for work	Signature of M.O.
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2. Patient's copy:

Keep this carefully and take it with you when you go to the hospital.

*Dates for further treatment and discharge.*

Date	Whether incapacitated for work	Signature of M.O.
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[No. 1/20/63-Spl.]

A. P. VEERA RAGHAVAN, Dy. Secy.

New Delhi, the 28th August, 1963

**S.O. 2545.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Central Kurkend Colliery and their workmen, which was received by the Central Government on the 23rd August, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947, (XIV of 47).

REFERENCE No. 16 OF 1962

PRESENT:

Employers in relation to the Central Kurkend Colliery

AND

Their workmen.

PARTIES:

Shri Raj Kishore Prasad, M.A., B.L.,—*Presiding Officer.*

APPEARANCES:

*For the Employers.*—Sri S. C. Jain.

*For the Workmen.*—1. Sri Lalit Burman, Bihar Koyla Mazdoor Sabha

2. Sri A. P. Gupta, Colliery Mazdoor Sangh.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 10th May, 1963

AWARD

Ministry of Labour and Employment, Government of India, by its Order No. 1/47/61-LRII, dated the 16th May, 1962, has referred, under Section 10(1)(d) of the Industrial Disputes Act, 1947, for adjudication to this Tribunal, the following industrial dispute:

SCHEDULE

“(1) Whether the transfer of 49 workmen from Central Kurkend Colliery to other collieries on 19th June, 1961, was legal and justified. If not to what relief are the said workmen entitled?”

(2) Whether the 113 miners, 58 trammers and other workmen working in the Central Kurkend Colliery, who were denied employment with effect from the 20th June, 1961, were entitled to any remuneration after 20th June, 1961, and if so, to what extent?”

2. In the aforesaid schedule to the reference, the names of 49 workmen, referred to under Issue No. 1, as well as, the names of the 113 miners, 58 trammers and other workmen, mentioned under Issue No. 2 have not been specified. *Exhibit W. 11* gives the names of the 49 workmen who were transferred on 19th June, 1961, referred to in Issue No. 1; *Exhibit W. 18* gives the names of the 113 miners; *Exhibit W. 19* gives the names of the 58 trammers, and *Exhibit W. 13* gives the names of the ‘other workmen’ mentioned in Issue No. 2, who are twenty-one in number. Although these lists, Exhibits W. 11, W. 18, W. 19 and W. 13 were filed by Sri Lalit Burman, appearing for Bihar Koyla Mazdoor Sabha, representing the workmen concerned, but these lists were accepted as correct both by Sri S. C. Jain, who appeared for the management and Sri A. P. Gupta, who appeared for the Colliery Mazdoor Sangh, the admitted recognised Union of the Colliery, and therefore, with the consent of all the parties they were taken in evidence and marked exhibits in the case to specify the names of all the workmen concerned in the present dispute.

3. It may be mentioned, at the outset, that two Unions have appeared in the case; one is *Koyla Mazdoor Sabha*, represented by Sri Lalit Burman, which was not admitted by the management to have been recognised by it, and as representing its workmen concerned, and the other Union is *Colliery Mazdoor Sangh*, which was represented by Sri A. P. Gupta, and later, also by Sri Sankar Bose

at the time of the hearing, which was admitted by the management to be the only recognised Union in its Colliery.

4. On behalf of these concerned workmen, a written statement was filed by Bihar Koyla Mazdoor Sabha through Sri Lalit Burman on 14th June, 1962. On behalf of the management also its written statement was filed on 20th June, 1962. Later, a rejoinder to this written statement was led on 6th September, 1962 by Bihar Koyla Mazdoor Sabha. On 6th September, 1962, a statement of claims, on behalf of the workmen concerned, was also filed by Colliery Mazdoor Sangh through its Secretary, Sri S. Das Gupta.

5. During the pendency of this reference, Sri Jain, on behalf of the management, agreed to re-employ 60 miners, out of the 113 miners, referred to in Issue No. 2, who were retrenched on 23th January, 1962, provided both the above mentioned Unions filed an agreed list, as will appear from order No. 15 dated 16th January, 1963. On 15th February, 1963, both the Unions filed an agreed list of the miners to be re-employed in 4 Pits of the Central Kurkend Colliery, and, the management agreed to re-employ them and it was stated by Sri Jain, appearing for the management, that they had already been re-employed as per the agreed list, giving names of 90 miners, filed jointly on behalf of the two Unions on 15th February, 1963, which has been marked as Exhibit W. 21.

6. The case of the workmen, with regard to Issue No. 1 as given in paras 2 to 6 of their written statement filed on 14th June, 1962, by Bihar Koyla Mazdoor Sabha, is that these concerned workmen were old employees of the Central Kurkend Colliery and were employed in No. 4 Pit of the said Kurkend colliery; that on 11th March, 1961, the management issued a notice to all its workmen informing its decision to close No. 4 Pit with effect from 15th April, 1961, and called upon the workers to accept jobs in any of its sister Collieries i.e., Kharkharee, Pathergoria, Ganeshpur, Babisole, Churi and Dacra Buchuka, failing which the management will have no other alternative but to issue retrenchment notice; that the workmen did not respond to the said notice and the work continued after 15th April, 1961, but, thereafter, the management issued notice of transfer to all the workmen of No. 4 Pit transferring them to one of its sister Collieries, mentioned above, and the said notices of transfer were issued on different dates between 9th May, 1961, to 15th May, 1961; that the said orders of transfer were immediately challenged as illegal and unjustified by the workmen as well as by the Unions, and, thereafter, the management dropped the orders of transfer and undertook to employ the workmen in No. 4 Pit, even after the expiry of the notice period on 15th June, 1961; that notwithstanding the said undertaking, the management stopped work in No. 4 Pit from 15th June, 1961; and while the management marked the attendances of some of the workers on 15th, 16th and 17th June, 1961, the marking of attendance was completely stopped on and from 19th June 1961; that on 19th June 1961 the management made an application to the Regional Labour Commissioner (Central), Dhanbad, alleging that the miners in a lot refused to go to work, which amounted to illegal strike; that in the above background, the management issued notices on 19 June 1961 to the workmen covered by Issue No. 1, whose names are given in Exhibit W.11, transferring them from this Colliery; that the said transfers were *malafide* and unjustified and illegal, being contravention of Clause 26 of the Standing Orders for the Coal Mining Industry, in that, Managing Agents have no right to transfer a workman from one company to another company which are separate legal entities; that the Central Kurkend Coal Co. has no other Colliery except Central Kurkend Colliery and the Babisole Colliery is under the management of Bharat Mining Corporation Limited, and, Churi and Dacra Dukkuka Collieries are under the management of United Karanpura Collieries (P) Ltd., that, after the Failure Report of the Conciliation Officer and, during the period the matter was under the consideration of the appropriate Government, the management issued fresh notices of retrenchment under Section 25FFF of the Act with *malafide* intention to the workmen concerned in Issue No. 1.

On the above grounds, the workmen concerned in Issue No. 1, claimed to be paid full wages for the entire period of idleness from 19th June 1961 (rather from 15th June 1961) till their reinstatement in their respective posts by reopening the working of Pit No. 4. The workmen, in the alternative, prayed that, in case the management refuse to reopen No. 4 Pit, and, reinstate the workmen concerned, they should be paid the retrenchment compensation, as under Section 25F of the Act, over and above the other reliefs claimed above.

7. The case of the workmen concerned in Issue No. 2, is to be found in paras 10 to 25 of their written statement, and, their case is that the management stopped working of No. 4 Pit from 15th June 1962 and stopped marking attendances on and from 19th June 1962 and thereby all the workmen, namely, miners, trammers and others, who were working there and who are referred to in Issue No. 2 and whose names are found in Exhibits W.18, W.19 and W.13, were made idle as they were denied employment; that the management 'repeated outcry' that it obtained permission of the Department of Mines 'to work 10 Seam above 11th Level in Bottom Section' of No. 4 Pit, during the monsoon, the section was not workable as on the 8th June, 1961, and the 14th June, 1961 or any date thereafter till now; that, on complaint made by the Union, the Conciliation Officer made a joint inspection of the bottom section of No. 4 Pit on 9th October 1961 and the said inspection revealed that the said work in the Bottom Section could only be started after some preliminary works were completed by the management, and even then, the Bottom Section could absorb less than 50 per cent of the workmen normally employed in No. 4 Pit;

That the management did not take up the said preliminary works in the bottom section so that these workmen could work there; that the management instead, on 8th June 1961 and 14th June 1961 issued notices obviously to serve their ulterior motive; that, therefore, the management's action in denying employment to the workers concerned from 19th June 1961 onwards was unjustified and illegal and a clear case of gross unfair labour practice; that while the matter was pending before the appropriate Government, the workmen concerned in Issue No. 2 were issued notices of retrenchment on 23rd January 1962; that, as such, these workmen were entitled to be paid full wages for the entire period of idleness arising out of denial of employment by the management, and, the workmen should be given employment by re-opening No. 4 Pit and such workmen, who may not be absorbed, after work in No. 4 Pit is re-started, should be paid full compensation on retrenchment as surplus to requirements under Section 25F of the Act, in addition to the other reliefs claimed and specified above.

8. The case of the management with regard to Issue No. 1, is to be found in Paras 1 to 14 of its written statement filed on 20th June 1962. Its defence is that, due to danger of inundation, the Department of Mines directed the management to stop the working of the mine from the 15th June to 31st October, every year, and, on account of this order, the 49 workmen, whose names are given in Exhibit W. 11, and who are concerned with Issue No. 1, were issued orders of transfer, without affecting their service conditions in any way, to different Collieries under the management of Messrs Jain Industries; that Messrs Jain Industries are the Managing Agents of Central Kurkend Coal Co. Ltd. owning Central Kurkend Colliery; of Messrs Bharat Mining Corporation Ltd. owning Kharkharee and Babilsole Collieries and of Messrs United Karanpura Collieries Private Limited, owning Dakra-Buk-Buka and Churi Collieries, which are all under the direct supervision and management of Sri S. C. Jain; that out of the 49 workmen concerned in Issue No. 1, six were paid and they received retrenchment compensation as per the award dated 27th March 1962 of the Calcutta Tribunal in Reference No. 13 of 1962 and out of the remaining 43 workmen, nine workmen, mentioned therein, have been paid retrenchment compensation as per the agreement dated 27th January 1962 with the Colliery Mazdoor Sangh, representing the workmen, represented by Sri A. P. Gupta and, out of the remaining 34 workmen, 10 workmen, name therein have voluntarily resigned and accepted full and final payment, and, therefore, there can be no dispute with regard to the 25 workmen, mentioned before, and, consequently, Issue No. 1 was concerned with only the remaining 24 workmen; that the transfers of the 49 workmen including 24 workmen of the Central Kurkend Colliery, to other Collieries, were legal and justified; that the Colliery Mazdoor Sangh was functioning in the Colliery since long, although the Bihar Koyla Mazdoor Sabha was also taking up the cases of some of the workmen at times; that the disputes against the order of transfer was raised by the two Unions, and, during the pendency of the said dispute, the workmen concerned represented by the Colliery Mazdoor Sangh, now represented by Sri A. P. Gupta, entered into a settlement with the management and a memorandum of settlement was drawn up on 27th January 1962 and signed by the parties; that, therefore, the said memorandum of settlement dated 27th January 1962 was binding both on the workmen and the management, which was ready and willing to pay compensation to the remaining 24 workmen, who are concerned now in Issue No. 1, out of 49 workmen, as per the terms of settlement dated 27th January 1962.

9. That the case of the management with regard to Issue No. 2, is to be found in paras 15 to 21 of its said written statement. Its defence was that the No. 10 Seam main section of No. 4 Pit was ordered to be closed during the monsoon

every year, as referred to before, but on the representation of the management, the Department of Mines permitted the management to work No. 10 Seam bottom section only of No. 4 Pit, above the 11th level, and, therefore, after receipt of the above permission, the management asked the miners by notices dated 8th June 1961 and 14th June 1961 to work at the said 10 Seam bottom Section, but they refused to work from 15th June 1961 which amounted to a strike; that, therefore, the management made an application on 19th June 1961 to the Regional Labour Commissioner (Central), Dhanbad, for declaring the said strike as illegal under the Coal Mines Bonus Scheme, 1948; that, on account of the said strike by the miners, all other workmen, including the trammers, were laid off without compensation, an intimation of which was given to the Regional Labour Commissioner; that, therefore, after the strike by the miners, neither the miners nor the other workmen laid off, are entitled to any remuneration; that, in spite of the above, out of 58 trammers, mentioned in Exhibit W. 19, and referred to in Issue No. 2, 34 trammers have been paid and they have accepted the retrenchment compensation as per agreement of 27th January 1962, and 3 trammers voluntarily resigned and received their full and final payment, thus leaving 21 trammers who are only concerned under Issue No. 2, to whom also the management is ready and willing to pay compensation as per the said agreement.

10. It may be stated, at this very stage, that the Regional Labour Commissioner (Central), Dhanbad, before whom the application of the management under para 8(1) of the Coal Mines Bonus Scheme, 1948, in the matter of legality or otherwise of the strike of West Gopalchuck Colliery on 15th June 1961, was pending, has now given his decision on 28th January 1963 holding that there was no strike by the miners of the said Colliery of Messrs Central Kirkend Coal Co. Ltd. with effect from 15th June 1961 within the meaning of Section 2(q) of the Industrial Disputes Act, 1947. It was admitted by Shri Jain, on behalf of the management, that no appeal has been filed against the said decision, nor, the management intends to file any appeal against it. As by now the time for filing the appeal has also expired it may be taken that the said decision of the learned Regional Labour Commissioner is final between the parties, and, therefore, it must be taken as a fact that there was no strike on and from 15th June 1961, as alleged by the management and specifically pleaded by it in para 17 of its written statement.

11. It may be mentioned that documents of both the parties were taken in evidence and marked as Exhibits, with mutual consent, even though some were filed on the last date of the argument. The management, in support of its case, filed documents which have been marked as Exhibits M to M 9, and, the Bihar Koyla Mazdoor Sabha, represented by Sri Lalit Burman, also filed documents, on behalf of the workmen concerned, which have been marked as Exhibits W to W 21.

12. Both the parties examined one witness on each side. The management examined its Head Clerk, Sri M. N. Mukherjee, M.W. 1, and, the Union examined its Secretary, Sri Lalit Burman, as W.W. 1. The other Union Colliery Mazdoor Sangh, filed a written statement of claim on behalf of the workmen on 6th September 1962, but did not examine any witness nor did it file any document. But Shri Sankar Bose, on behalf of the said Union, put forward his arguments, and, his main argument was, as was his case in the written statement just mentioned, that the agreement entered into between the management and the Colliery Mazdoor Sangh on 27th January 1962 should be given effect to, in that, item No. 4—General—(a) and (b) covered the issues under reference as was the main argument of Sri Jain, on behalf of the management. Sri Lalit Burman, however, on behalf of his Union, challenged this agreement, Exhibit M. 1, as *malafide* and as such not binding on the workmen.

13. It would be useful to set out the admitted relevant facts having bearing on the two issues under adjudication in their chronological order, before proceeding to decide the two principal questions, namely, (1) whether the transfer of the 49 workmen, mentioned in Exhibit W. 11, covered by Issue No. 1, was legal and justified, and, (2) whether the retrenchment of the workmen covered by Issue No. 2 and mentioned in Exhibits W. 18 W. 19 and W. 13, was proper and justified. On the answer of these questions, the third question, as to what relief, if any, these concerned workmen are entitled, will arise for decision.

14. The admitted facts, stated in their chronological order, are as follows:

- (a) On 11th March 1961 Sri Jain, Director of Central Kurkend Coal Co. Ltd. on its behalf, issued a notice, Exhibit W. to all the workmen of the said Colliery informing them that due to some serious mining difficulties the Company has finally decided to close No. 4 Pit with effect from 15th April 1961, and, that as in consequence of the



closure of the said pit, most of the workmen would become idle, the company propose to absorb such persons in their sister Collieries, i.e. Kharkharee, Bathergoria, Churi and Dacra Bukbuka and accordingly these who were willing to accept work in the above Collieries must inform him by 15th March 1961, and, that their acceptance will not in any way affect their service conditions, and, continuity of service, otherwise, the Company will have no other alternative but to issue retrenchment notices.

- (b) On 15th March 1961, the Deputy Chief Inspector of Mines wrote a letter Exhibit M, to the Central Kurkend Coal Co. Ltd., owners of West Gopalichuck Colliery, directing that no person, excepting those required for safety of mine, shall be employed in the said mine during the monsoon, i.e. from 15th June to 31st October, every year,
- (c) After the receipt of the above letter of the Deputy Chief Inspector of Mines, Exhibit M, Sri Jain, on behalf of the concerned Colliery, sent a letter Exhibit W.1, to all the workmen of the Colliery informing them that as in the opinion of the Mines Inspectorate there is danger of inundation of Central Kurkend Colliery from Ekra Jore, the management had been asked to keep the mine closed from 15th June 1961 to 31st October 1961, and, therefore, the mine will remain closed from 15th June 1961 due to circumstances beyond the control of the management, and, during this temporary closure, they were being transferred to the sister Collieries, mentioned in Exhibit W.1, on the same job and same pay without any change in service conditions, and that they will again be re-transferred to this Central Kurkend Colliery, when it resumes normal mining operations, and, as such, they should report for duty by 15th June 1961 to the Manager of the transferred Colliery. This letter, Exhibit W.1, does not bear any date, but, it must have been written after 15th March 1961, after receipt of the letter Exhibit M from the Department of Mines and before 15th June 1961, the date by which the workmen were asked to report for duty. A copy of this letter was sent also to the Secretary, Colliery Mazdoor Sangh.
- (d) On 4th May 1961 the Manager of Central Kurkend Colliery, with which we are concerned, sent a letter to the Deputy Chief Inspector of Mines seeking permission to work in No. 10 bottom Seam from Nos. 9, 10 and 11 levels during monsoon. In reply to this letter, Deputy Chief Inspector of Mines on 24th May 1961 sent a letter Exhibit M.5, and referred to the said application, and informed the manager of the Colliery, permitting him to employ persons in the workings above No. 11 level in 10 bottom seam, if the directions mentioned in Exhibit M.5 were observed. All these facts will appear from Exhibit M.5;
- (e) After receipt of the said permission Exhibit M.5 the Manager of the Colliery issued a notice on 8th June 1961, Exhibit M.2, informing all the miners of No. 4 Pit that since the Department of Mines has now permitted to work No. 4 Pit only No. 10 bottom seam about 11th level during the Monsoon i.e. 15th June to 31st October 1961, they were advised to work in 4 Pit No. 10 Bottom Section with effect from that date, as no persons, excepting supervisory staff and safety workers, are allowed to be employed in the 4 Pit main 10 Seam;
- (f) Another notice, Exhibit M.3, was given on 14th June 1961 to all workers concerned of West Gopalichuck Colliery of Central Kurkend Coal Co. Ltd. informing them that in view of the permission granted by the Department of Mines to run the mine in 10 Seam bottom Section above 11th level during the Monsoon (i.e. 15th June to 31st October 1961) the mine will not be closed from 15th June 1961, as intimated earlier by the letter dated 15th May 1961 of the management, which is probably Exhibit W.1., although it does not bear that or any other date;
- (g) On 19th June 1961, an order of transfer, Exhibit W.3, was issued to the workmen concerned of Central Kurkend Colliery, informing them that Messrs. Jain Industries, as Managing Agents, are the Owners of Central Kurkend and Babisole Churi/Dacra Bukbuka Colliery, and all are under the same management, they were hereby transferred to Babisole/Churi/Dacra Bukbuka Colliery on the same job and same pay without any change of service conditions, and, therefore, they were asked to accept the transfer and report to the Manager of the Colliery concerned;

- (b) On the same day, that is, 19th June 1961, Sri Lalit Burman, as General Secretary, Bihar Koyla Mazdoor Sabha, wrote a letter to the Regional Labour Commissioner (Central), Dhanbad, Exhibit W.4, saying that Director Sri Jain, on behalf of the Company gave an undertaking on 29th May 1961 that the Company would approach the Chief Inspector of Mines for permission to work in No. 4 Pit and that "the workers who are under orders of transfers will continue to work," but it appears now that it was 'a great hoax', because from 4th June 1961 onwards the management had started laying off the workers. It was further said in Exhibit W.4 that from 15th June 1961 the management stopped all the workers, and while from 15th June 1961 to 17th June 1961 some attendances were recorded by the management, but from today (i.e. 19th June 1961) the marking of attendances had been stopped, and, therefore, requested the Regional Labour Commissioner to take up the matter immediately and advise the management to arrange for payment of re-employment compensation in accordance with law.
- (i) On 19th June 1961, Sri Jain informed the Regional Labour Commissioner that the miners in a lot had refused to go on work without any reason and this concerted action on their part amounted to a strike, which was illegal, and, as such, the management does not hold itself liable for any Lay-off compensation to any worker as it is due to an illegal strike. This application has been rejected by the learned Regional Labour Commissioner by his order dated 28th January 1963, Exhibit W.10, which has become final between the parties as mentioned earlier in Para 10.
- (j) On 20th June 1961 Sri Burman sent another letter Exhibit W. to the Regional Labour Commissioner informing him that his (Sri Burman's) attention has been drawn to the letter of 19th June 1961, addressed to him by the management, making an application under clause 8(1) of the Coal Mines Bonus Scheme, for declaring the alleged stoppage of work from 15th June 1961 as illegal strike, but factually its allegations are wrong, because the management itself was unable to provide work to workers, and, therefore, stopped them from work from 15th June 1961, and, as such, it was wrong to say that the workers had gone on strike.
- On 20th June 1961, the Regional Labour Commissioner informed the General Secretary, Bihar Koyla Mazdoor Sabha, Exhibit W.2 that the Colliery Mazdoor Sangh had also taken up the case of the workers under transfer and that on conciliation being held in the matter on 29th May 1961 the management had arrived at a settlement, and, as such in view of this settlement, no further action was necessary on his letter dated 8th June 1961. The said settlement, referred to in Exhibit W.2, has also been filed and it is Exhibit M.9 and is signed by Shri Jain, on behalf of the management and Sri A. P. Gupta, on behalf of the workmen and, the Regional Labour Commissioner, and is dated 29th May 1961. The terms of settlement embodied in Exhibit M.9, which are also referred in Exhibit W.2, are that the management was going to approach the Chief Inspector of Mines, Dhanbad, for permission to continue work in No. 4 Pit of the Colliery and that there is every likelihood of this permission being given, and, under such circumstances, the workers will continue to work who are under orders of transfer.
- (k) On 21st June 1961, Sri Jain, on behalf of the Colliery, informed (Exhibit M.4) the Regional Labour Commissioner, under Rule 75A of the Industrial Disputes (Central) Rules, 1957, that the management had laid off 120 out of 450 workmen employed in the establishment with effect from 20th June 1961. In Exhibit M.4, an Annexure dated 21st June 1961 was attached which said that, in consequence of the illegal strike of all the miners, no work was available to all categories of workmen of No. 10 Seam mine in surface or underground or 4 and 1 Pits as already notified on the general notice board and on No. 4 Pit notice board, therefore, all the workmen were requested not to come for recording attendance until further notice, because under Section 25E (iii) of the Act, nobody is entitled for any lay-off-compensation;
- (l) The matter was then taken up by the Conciliation Officer. but on 22nd November 1961 he submitted his failure report Exhibit W.6 to the

Chief Labour Commissioner which mentions that the General Secretary, Bihar Koyla Mazdoor Sabha represented the workmen concerned, and also the grounds on which the transfer order was challenged as illegal. In para 6 of this report it is further mentioned that a joint meeting was called on 12th July 1961, but it could not be held and that the Bihar Koyla Mazdoor Sabha only presented itself with the membership records. A copy of the said failure report, Exhibit W.6, was sent to the Secretary Colliery Mazdoor Sangh as also to the General Secretary, Bihar Koyla Mazdoor Sabha.

- (m) On 27th January 1962 a settlement was arrived at between the Central Kurkend Colliery, the employers, and, their workmen, represented by the Indian National Mine Workers' Federation and Colliery Mazdoor Sangh, and the terms of settlement were recorded and the said Memorandum of Settlement dated 27th January 1962 is Exhibit M.1. This is the agreement, on which strong reliance was placed on behalf of the management and on behalf of the Colliery Mazdoor Sangh. It may be mentioned here that admittedly this Memorandum of Settlement Exhibit M.1 does not cover the present dispute or the workmen concerned specifically but reliance was placed on Para 4 of the said Memorandum of Settlement, which was headed *General* and it dealt with workmen, who had completed six years of service, and whom the management wished to retrench and provided that such workmen who had completed six years of service shall be paid retrenchment compensation at prescribed rate for every year of service, and those who have worked for more than six years will be paid, besides the above, for every two years of service over six years at the rate of 15 days total emoluments.
- (n) The present reference was made, as stated before, on 16th May 1962, above one year after the closure of the Colliery on 15th June 1961.
- (o) During the pendency of this reference, there was correspondence between the management and the Union, Bihar Koyla Mazdoor Sabha, represented by Sri Lalit Burman. Exhibit W. is a letter dated 30th November 1962 written by Sri Burman to the Director of the Company regarding re-opening of No. 4 Pit of Central Kurkend Colliery informing that the workers who have not been retrenched or who have not taken the retrenchment compensation, are very eager to get employment in the mine as and when it re-starts operation, and, therefore, they should be notified well in advance.

To this letter Exhibit W.7, Shri Jain sent a reply on 2nd December 1962, Exhibit W.8, enquiring if the workers were agreeable to work on seasonal basis and informing that their services will be liable for termination without notice from the 15th June to 31st October every year.

Shri Burman, then, on 26th December 1962 sent in reply to Exhibit W.8 a letter Exhibit W.9 saying that there was no reason to confirm beforehand that the workers were agreeable to work on seasonal basis in view of the fact that Shri Jain had said on the 17th and the 25th December, 1962 that he was permitted to work 10 Seam bottom Section above 11th Level during the Monsoon.

15. From Exhibit W. 3, the Order of transfer dated 19th June 1961, it would appear that *Jain Industries* were the Managing Agents of:

- (i) Bharat Mining Corporation Limited, which owns, amongst others, the Babisole Colliery;
- (ii) Ganeshpur Coal Co (Private) Limited, which owns Ganeshpur Colliery 10 Seam Gr. II and 9 Seam Grade IIA;
- (iii) United Karanpura Collieries (Private) Limited, which owned *Churi Colliery* and *Dacra Bukbuka Colliery*; and, (iv) Central Kurkend Colliery Co. Ltd., which owned *West Gopalchuck Colliery* (Central Kurkend Section). We are concerned, as will appear from the order of transfer, Exhibit W. 3, with *Babisole, Churi, Dacra Bukbuka Collieries* to which these workmen were transferred from the *West Gopalchuck Colliery* owned by the Central Kurkend Coal Co. Ltd.

16. It will further appear from Exhibit M. 6, which is an extract from the report of S. I. Police, Pootkee P. S., for the tense situation of Central Kurkend Colliery where the workers concerned were working, that "10 Bottom Seam height is very

low and workers feel difficulty to work there. So the workers sent to 10 Bottom Seam did not work"; and, therefore, the workers demanded full benefit of retrenchment compensation.

17. On the foregoing facts, depends the decision of the two points set out in para 13.

*Issue No. I:*

I will take up the first question, namely, whether the transfer of 49 workmen, mentioned in Exhibit W. 11, covered by Issue No. 1, from Central Kurkend Colliery to the other Collieries was legal and justified?

18. Admittedly, the standing orders for the Coal Mining Industry, as certified on 8th April 1950, Exhibit W. 20, governed the service conditions of all the employees, including the workmen concerned, of this Central Kurkend Colliery, which is under consideration. Both the parties, therefore, relied on the word 'management' occurring in Standing Order No. 26, Exhibit W. 20, in support of their respective contentions. Shri Jain contended that the word 'Management', occurring in Standing Order No. 26, as meaning and including Managing Agents, like Jain Industries here, and, Sri Burman on the other hand contended that the word 'Management' as meaning owners, proprietors.

19. In support of his contention that the word 'management' in Standing Order No. 26 meant owner or proprietor, Shri Burman relied on:

(a) *Exhibit W. 15*, an award dated 31st October 1961 given by Shri L. P. Dave of the Calcutta Industrial Tribunal in an industrial dispute between the management in relation to the Central Kurkend Coal Co. Ltd., and the Colliery Mazdoor Sangh in which also some workers of the Central Kurkend Coal Co. Ltd., were transferred to some of the sister Collieries mentioned in *Exhibit W. 3* and their transfers were quashed;

(b) *Exhibit W. 16*, a decision dated 13th November 1956 of the Labour Appellate Tribunal, in a dispute between the management of Pootkee Colliery and two of its workers, who were transferred from Pootkee Colliery to Central Sounda Collieries and Madhuband Collieries, of all the three of which the managing agents were Messrs. Karam Chand Thapar but their Board of Directors were different and in which the order of the All India Industrial Tribunal (Collieries Disputes) Calcutta holding that these transfers were not justified, was upheld.

20. The expression 'Managing Agents' has been defined in Section 2(25) of the Companies Act, 1956, as also in Section 2(ii) of the Mines Act, 1952. Section 2(ii) of the Mines Act, 1952, simply says that managing agent has the meaning assigned to it in the Companies Act, 1956. Section 2(25) of the Companies Act, 1956, defines 'Managing Agent' in these terms:

"2(25). 'managing agent' means any individual, firm or body corporate entitled, subject to the provisions of this Act, to the management of the whole, or substantially the whole, of the affairs of a company by virtue of an agreement with the company, or by virtue of its memorandum or articles of association. and includes any individual, firm or body corporate occupying the position of a managing agent, by whatever name called."

21. In *Exhibit W. 15*, the judgment of Sri L. P. Dave, in which the Central Kurkend Colliery was concerned and in which also some workers of this Colliery were transferred to its different sister Collieries mentioned therein, the present question that Sri Jain, being the Managing Agent and Resident Director of all the Collieries under the Managing Agency of Jain Industries, can transfer the workmen from one Colliery to another, if all these Collieries are under the Managing Agency of one and the same person, was raised. Sri Dave held that the word 'management' used in Standing Order 26 cannot be equated with and considered synonymous with a 'managing agent' and that when admittedly the four Collieries namely, (i) Central Kurkend Colliery of Messrs. Central Kurkend Coal Co. Ltd., and (ii) Kharkharee Colliery; (iii) Babilole Colliery and (iv) Pathergoria Colliery of Messrs. Bharat Mining Corporation Ltd., belonged to different owners who have different Boards of Directors and Sri Jain derived his authority to manage the different Collieries from the Boards of Directors of the respective companies, he cannot mix up the affairs of one company with the other and held further that he will be acting as an Agent for his principals, namely, the owners of different companies and therefore he cannot have more powers than the principals have and as such the Central Kurkend Coal Co. Ltd. would have no power to transfer one of

its workmen to Messrs. Bharat Mining Corporation Limited and if the Central Kurkend Coal Co. Ltd. have no such power, the Managing Agent Mr. Jain also could not have any such power. On this ground, therefore, the transfers of the workmen concerned in that case were quashed. I respectfully express my cordial assent to the interpretation put by Sri Dave on the word 'management' occurring in Standing Order No. 26.

22. In Exhibit W. 16 Pootkee Colliery and its two workmen were parties and the two workmen concerned, in that case, were transferred from the Pootkee Colliery to Central Saunda Colliery and Madhuband Colliery on the ground that Messrs. Karam Chand Thapar were the Managing Agents of all the aforesaid Collieries. The reference was decided in favour of the workmen concerned and the transfers were quashed by the All India Industrial Tribunal (Colliery Disputes), Calcutta, by a majority judgment. The said order was upheld by the Labour Appellate Tribunal, the decision of which is Exhibit W. 16. It was held by Sri Siddiki and Sri Harnam Singh, constituting the Bench of the Labour Appellate Tribunal, on 13th November 1956 that Messrs. Karam Chand Thapar as Managing Agents of Pootkee Colliery were not justified in ordering transfer of the two workmen from Pootkee Colliery to other Collieries under their agency.

23. The question whether the word 'management', used in Standing Order No. 26, means an 'owner' and if it includes 'Managing Agent' was raised before me in Reference No. 25 of 1962, Madhuband Colliery Vs. Sardar Jagir Singh, in which I gave an award on 8th March 1963 holding that the transfer of the workman concerned, Jagir Singh, from the Madhuband Colliery to the Central Saunda Colliery on the ground that both these collieries were under the Managing Agency of Messrs. Karam Chand Thapar was illegal in as much as a managing agent can neither be owner, Manager or Agent of the Collieries on the decision of the Supreme Court in the *Chief Inspector of Mines Vs. Lalla Karam Chand Thapar* 1961-I, L.L.J. 146. In this view, I do not think it necessary to give reasons in detail to decide the question whether 'Managing Agent' comes within the word 'Management' used in Standing Order No. 26. For the reasons given in Reference No. 25 of 1962, following the decision of the Supreme Court, just mentioned, I hold that the word 'management', used in Standing Order No. 26, means an 'owner' or 'proprietor' of the Colliery and not 'managing agent' and further that a Managing Agent is neither the owner, nor the Manager nor the Agent of the Collieries.

24. For the above reasons expressed by me, my concluded opinion is that the transfer of these 49 workmen mentioned in Exhibit W. 11 from the Central Kirkend Colliery to the other Collieries was contrary to Standing Order No. 26 (Exhibit W. 20), in as much as, simply because *Jain Industries* were the Managing Agents (as appears from Exhibit W. 3) of Bharat Mining Corporation Limited, owners of Babisole Colliery, with which we are concerned, and of United Karanpura Collieries Private Limited, owners of Churi, and Dacra Bhukbuka Collieries and of Central Kirkend Coal Co. Ltd., owners of West Gopalchuck Colliery, where these workmen were working, they could not be considered owners of any of these collieries. The owners of all these three collieries, namely, Babisole, Churi, Dacra Bhukbuka, where these workmen had been transferred were different persons, having different Boards of Directors, and, therefore, Sri Jain had no power, as Managing Agent of all these Collieries, to order the transfer, and, accordingly, the order of transfer, Exhibit W. 3, of all the 49 workmen concerned in Issue No. 1 is illegal and without jurisdiction and as such it is quashed and set aside.

25. I may here notice, in the above connection, another argument of Sri Jain that because No. 4 Pit of the Central Kirkend Colliery was closed with effect from 15th June 1961 the workmen concerned were offered jobs in the sister Collieries, namely, Kharkharce, Pathergoria, Babisole, Ganeshpur, Churi, and Dacra Bhukbuka Collieries by the letter dated the 11th March, 1961 Exhibit W, without affecting their conditions of service, but the workers did not accept nor join their duties assigned to them and, therefore, their transfers cannot be challenged. It was further argued by Sri Jain that as the workers of West Gopalchuck Colliery of Central Kurkend Coal Co. Ltd., were informed by notice Exhibit W. 3 that the Department of Mines had permitted the Colliery to run the mine in 10 Seam bottom Section above 11th Level during the monsoon (i.e. from 15th June to 31st October, 1961), and, therefore, the mine would not be closed from the 15th June, 1961, and the workers were invited to work there by notice dated the 8th June, 1961 Exhibit M. 2 but still the workers did not report for duty, and, as such, their transfers are justified. In my opinion, there is no substance in either of these contentions, because it is quite clear from Exhibit M. 6, referred to before, that 10 bottom seam height is very low and workers felt difficulty to work, and, therefore, the workers sent to 10 bottom seam but did not work. In these circumstances, the workers cannot be blamed, and, their transfers cannot be justified.

26. The next question is what relief are these 49 workmen concerned in Issue No. 1 entitled when their transfers have been declared illegal and contrary to Standing Order No. 26 and quashed. In my opinion, they are entitled to full back wages from 20th June, 1961, till the date of their reinstatement after deducting any wages or the like paid to any of them during this period.

27. I, therefore, answer Issue No. 1 in favour of the workmen concerned by holding that the transfer of 49 workmen from Central Kurkend Colliery to other Collieries on the 19th June, 1961, was illegal and unjustified, and, therefore, their transfers are set aside and they are reinstated with full back wages, as indicated above, from 20th June, 1961, till the date of their reinstatement after deducting wages or the like, if any, paid to any of them, during this period.

*Issue No. 2*

28. The case of the management is that as the 10 seam main section was ordered to be closed by the Department of Mines during the monsoon every year, that is, the 15th June to the 31st October (Exhibit M.), the 58 Trammers, mentioned in Exhibit W. 19, were laid off, but the 113 Miners, mentioned in Exhibit W. 18, went on strike with effect from 15th June, 1961, which was illegal, due to which the other workmen also, mentioned in Exhibit W. 13, who are 21 in number, refused to work, but, thereafter, on representation by the management to the Department of Mines, it permitted the management to run the mine in 10 seam bottom section, only at 4 Pit, above 11th level, and, on receipt of the said permission the miners were asked by notice, dated 8th June, 1961 and 14th June, 1961, Exhibits M.2 and M.3 to work at the 10 Seam bottom Section, but the miners in a concerted move refused to work at the said 10 Seam bottom seam from the 15th June, 1961, and, therefore, neither the miners nor the trammers nor the other workmen mentioned before were entitled to any compensation.

I will take the cases of the Miners, Trammers and other workmen separately.

29. *Miners: (Exhibit W. 18).*

As mentioned earlier the application of the management made on 19th June, 1961 to the Regional Labour Commissioner for declaring the stoppage of work on and from 15th June, 1961, as an illegal strike was rejected by the Regional Labour Commissioner by his decision Exhibit W. 10 and that decision, as mentioned before, has become final as no appeal was preferred and the time for filing an appeal is now barred by limitation. In these circumstances, the stand of the management that these miners have gone on illegal strike with effect from 15th June, 1961 and, therefore, they were not entitled to any emolument fails. In view of the decision of the Regional Labour Commissioner, Exhibit W.10, therefore, these 113 miners must be reinstated and posted back to the Central Kurkend Colliery where they were working, with full back wages from 15th June, 1961 to the date of their reinstatement. Wages or compensation, if any, paid to any of them during this period will however be deducted from their wages which by this award they would be entitled to get from the management. It may be mentioned that out of the 113 miners, mentioned in Exhibit W.18, as many as 60 have already been re-employed by the management as per agreed list, Exhibit W. 21, and, therefore, the remaining miners, who would like to be reinstated, would report for duty at the Central Kurkend Colliery for being re-employed within two months from the date of this award becoming effective, otherwise, they would not be entitled to the benefits of this award.

These 113 miners, as admitted by Sri Jain, were retrenched on 23rd January, 1962, but the said retrenchment must also be set aside because their alleged stoppage of work was not a strike and therefore was not illegal as found by the Regional Labour Commissioner in Exhibit W.10.

30. *Trammers: (Exhibit W. 19)*

The 58 trammers mentioned in Exhibit W.19 were laid off from 19th June, 1961, due to the stoppage of work by the miners from 19th June, 1961. On the decision of the Regional Labour Commissioner Exhibit W.10, that the stoppage of work by the Miners from 15th June, 1961 was not a strike, much less an illegal strike, laying-off these 58 trammers must also be declared to be unjustified and illegal and set aside. Because, here the lay-off did not satisfy the requirements of the definition of lay-off in Section 2(kkk) of the Act and as such it would not be a lay-off which is justified under Section 2(kkk). In such a situation, as held by the Supreme Court in *Tatanagar Foundry Co. Ltd. vs. their workmen*, 1962 B.L.J.R. 724, the relief provided to the laid-off workmen under Section 25C of the Act would not be the only relief to which they are entitled and

as such Section 25C cannot be held applicable, as contended by the management, so as to confine the workmen's right to compensation therein prescribed.

The lay-off being unjustified these 58 trammers, therefore, are entitled to their entire wages for the period of the Strike and lay-off from 19th June, 1961 till the time they re-join themselves and/or they are put back to their previous jobs.

31. *Other workmen: (Exhibit W. 13)*

These other workmen are 21 in number and their names are mentioned in Exhibit W.13, which is the agreed list. These 21 workmen were neither transferred, nor, laid-off, and, therefore, they are also entitled to their entire wages for the period of the alleged strike and lay-off from 19th June, 1961 to the time they rejoin and/or they are put back to their previous jobs.

32. The argument of Sri Jain that these workmen concerned should be paid according to the agreement, dated 27th January, 1962, Exhibit M.1, as it was binding on all the workmen of this Colliery under Section 18(1) of the Act, in my opinion, has no substance. Item 4, General (a) & (b), mentioned in Exhibit M.1, relied upon by Sri Jain, does not at all cover the present dispute, and, therefore, on this ground alone Exhibit M.1 is not at all binding on the workmen concerned. Moreover, the argument of Sri Jain that these workmen were represented by the Indian National Mine Workers' Federation and Colliery Mazdoor Sangh, which represented these workmen concerned also, and, therefore, they are bound by the Agreement Exhibit M.1 has also, in my opinion, no substance. It may be mentioned that before the Conciliation Officer, as will appear from Exhibit W.6, only the Bihar Koyla Mazdoor Sabha (B.K.M.S.) presented itself with the membership records before him and Colliery Mazdoor Sangh, represented by Sri A. P. Gupta, and also now by Sri Sankar Bose, did not appear at all nor did it produce its membership either there or here. In the present case, W.W.1, Shri Lalit Burman, Secretary of the Bihar Koyla Mazdoor Sabha, was examined and he has stated that his Union has a branch in the Central Kurkend Colliery and the membership on roll in his branch was examined by the Conciliation Officer and it was found to be 211. Before this Tribunal, although Bihar Colliery Mazdoor Sangh was represented by Sri Sankar Bose and also by Sri A. P. Gupta, none of them examined themselves nor any witness on their behalf was examined nor the register of membership of their Union was produced. In these circumstances, I have no option but to accept the contention of the Bihar Koyla Mazdoor Sabha that this Union represents the workmen concerned, and this Union was not a party to the agreement, Exhibit M.1, and, therefore, the said settlement cannot at all be binding on the workmen concerned here and as such the management cannot take any advantage of the alleged settlement Exhibit M.1.

33. I may also notice here the argument, on behalf of the Union represented by Sri Burman, that the principle of seniority and juniority was not applied in passing the order of transfer in as much as junior workers could have been transferred first in preference to the senior ones. In this connection, Sri Burman relied on the evidence of M.W.1, Sri M. N. Mukherjee, Head Clerk of the Central Kurkend Colliery. M.W.1 said that:

"So far as I remember juniority and seniority were considered in respect of retrenchment."

But in the cross-examination by Sri Lalit Burman, M.W.1 mentioned some names which showed that although they were juniors they were not retrenched. I think, however, it is not necessary to pursue this matter any further after my decision that the transfer, retrenchment and lay-off of the workmen concerned were unjustified and illegal in the present case.

34. For the reasons given above, I, therefore, answer Issue No. 2 also in favour of the workmen by holding that the 113 Miners (Exhibit W.18); 58 Trammers (Exhibit W.19) and the other 21 workmen (Exhibit W.13), who were working in the Central Kurkend Colliery and who were denied employment with effect from 20th June, 1961, were entitled to full back wages after 20th June, 1961, upto the date of their reinstatement, except those who have already been re-employed in accordance with the agreed list Exhibit W.21, and, that from the wages given to these workmen whatever amount or other money, compensation or the like, they might have received during this period, would be deducted from their full back wages. In the circumstances of the case, each party will bear its own costs.

35. The net result is that the reference and both the issues therein are answered in favour of the workmen concerned in the manner indicated in paras 27 and 34 above.

36. This is my award which I make and submit to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

Dhanbad,

The 10th May, 1963.

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer,

Central Government Industrial Tribunal, Dhanbad.

[No. F. 1/47/61-LR. II.]

*New Delhi, the 30th August 1963*

**S.O. 2546.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Shri Rajendra Singh, a workman of the Indian Copper Corporation Limited, Post Office Ghatsila, C/o Mosaboni Mines Labour Union, Post Office Mosaboni Mines, District Singhbhum, which was received by the Central Government on the 26th August, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
DHANBAD

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947 (XIV of 1947).

COMPLAINT No. 26 OF 1963

(arising out of Reference No. 8 of 1962)

**PARTIES:**

Sri Rajendra Singh,

C/o Mosaboni Mines Labour Union,

P.O. Mosaboni Mines—*Complainant*.

*Vs.*

M/s. Indian Copper Corporation Ltd.,

P.O. Ghatsila, District Singhbhum—*Opposite party*.

**PRESENT:**

Sri Raj Kishore Prasad, M.A., B.L.,

*Presiding Officer.*

**APPEARANCES:**

*For the Complainant*—Sri R. K. Nair, Mosaboni Mines Labour Union

*For the Opposite party*—Sri J. K. Ghosh, Advocate, Supreme Court, with  
Sri K. Ramamoorthi, Labour Officer.

**STATE:** Bihar.

**INDUSTRY:** Copper.

*Dhanbad, dated the 2nd August, 1963*

**AWARD**

This complaint under Section 33A of the Industrial Disputes Act, 1947, was made by the workman concerned, Rajendra Singh, on 12th July 1962 complaining against his dismissal by the management. This complaint is counter to the application of the management for approval of his dismissal which has been numbered as Application No. 139 of 1963 which has been compromised today. In view of the said compromise, Sri R. K. Nair, who appears for the complainant, files a petition withdrawing his complaint. The complaint, accordingly, stands withdrawn.

Sd./- RAJ KISHORE PRASAD,

Presiding Officer,

Central Government Industrial Tribunal,

Dhanbad.

[No. 23/64/61-LR.II.]



**S.O. 2547.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Sarvashri Jay Bahadur Lama No. 4425, Mokaram Khan and Jalaluddin Khan No. 5679 workmen of Indian Copper Corporation Limited, Post Office Ghatsila, C/o Mosaboni Mines Labour Union, Post Office Mosaboni Mines, District Singhbhum, which was received by the Central Government on the 26th August, 1963.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
DHANBAD

In the matter of complaints under Section 33A of Industrial Disputes Act, 1947 (XIV of 1947).

COMPLAINT No. 9 OF 1963

(arising out of Reference No. 8 of 1962)

PARTIES:

Jay Bahadur Lama No. 4425—*Complainant*.

*Vs.*

M/s. Indian Copper Corporation Ltd.,  
P.O. Ghatsila—*Opposite party*.

COMPLAINT No. 17 OF 1963

(arising out of Reference No. 8 of 1962)

Mokaram Khan,

C/o Mosaboni Mines Labour Union,  
P.O. Mosaboni Mines—*Complainant*.

*Vs.*

M/s. Indian Copper Corporation Ltd.,  
P.O. Ghatsila—*Opposite party*.

COMPLAINT No. 19 OF 1963

(arising out of Reference No. 8 of 1962)

Jalaluddin Khan No. 5679,

C/o Mosaboni Mines Labour Union,  
P.O. Mosaboni Mines—*Complainant*.

*Vs.*

M/s. Indian Copper Corporation Ltd.,  
P.O. Ghatsila—*Opposite party*.

PRESENT:

Sri Raj Kishore Prasad, M.A., B.L.,

*Presiding Officer.*

APPEARANCES:

*For the Complainants*—Sri R. K. Nair and Sri Naseem, Mosaboni Mines Labour Union.

*For the Opposite party*—Sri J. K. Ghosh, Advocate, Supreme Court, with Mr. P. F. Negent, Acting Mines Superintendent and Sri K. Ramamoorthi, Labour Officer.

STATE: Bihar.

INDUSTRY: Copper.

Dhanbad, dated the 2nd August, 1963

AWARD

These three complaints were made by the workmen concerned in each case in June 1963 complaining against the action of the management against them.

2. Sri J. K. Ghosh, Advocate, Supreme Court, assisted by Mr. P. F. Negent, Acting Mines Superintendent and Sri K. Ramamoorthi, Labour Officer, appeared for the opposite parties.

3. Sri R. K. Nair, and, Sri Naseem, representing the Union appear for the complainants.

4. Sri Ghosh pointed out that these complaints were not maintainable because they were not covered by section 33 of the Act, and, therefore, these complaints should be dismissed *in limine*. Sri Nair realising this fatal defect filed a petition on behalf of the concerned complainant in each case withdrawing all these complaints.

5. The complaints are, accordingly, permitted to be withdrawn and as such they stand withdrawn.

Sd./- RAJ KISHORE PRASAD,  
Presiding Officer,  
Central Government Industrial Tribunal,  
Dhanbad.

[No. 23/64/61-LRII.]

New Delhi, the 31st August 1963

**S.O. 2548.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Sri Bipat, Miner, Digwadih Colliery, Post Office Jealgora, which was received by the Central Government on the 26th August, 1963.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
DHANBAD**

In the matter of a complaint under Section 33A of Industrial Disputes Act, 1947, (XIV of 1947).

Complaint No. 24 of 1962

(arising out of Ref. Nos. 56 and 65 of 1961)

**PARTIES:**

Sri Bipat, Miner, Digwadih Colliery P.O. Jealgora.—Complainant.

Vs.

Tata Iron and Steel Co., Ltd., Digwadih Colliery, P.O. Jealgora.—Opposite Party.

**PRESENT:**

Shri Raj Kishore Prasad, M.A., B.L.,—Presiding Officer.

**APPEARANCES:**

For the Complainant.—Sri Ram Mitra, Secretary, Bihar Koyla Mazdoor Sabha, P.O. Bhowra, Dt. Dhanbad.

For the Opp. party.—Sri G. Prasad, Chief Personnel Officer.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 19th August, 1963

**AWARD**

This complaint by Bipat. Miner, Digwadih Colliery, was filed on 19th July, 1962, under Section 33A, wrongly mentioning as 33(1)(a), of the Industrial Disputes Act, 1947, complaining against the action of the management against him by discharging him from the company's services.

2. Today the complainant was represented by Sri Ram Mitra, his authorised representative, and, the management was represented by Sri G. Prasad, Chief Personnel Officer, of the Company and Sri Lal Behari Mahato a clerk of the company.

3. Before the complaint could be heard on its merits. Sri Prasad raised a preliminary objection to the maintainability of the application on the ground that the complainant was not a concerned workman in the dispute either in Reference No. 56 of 1961, or Reference 65 of 1961, in which the present complaint had been filed.

4. Sri Ram Mitra conceded that the complainant was not a concerned workman in Reference 56 of 1961, but he contended that he was a concerned workman in Reference No. 65 of 1961, because in that case also the question was the dismissal of a miner and as such section 33 applied, and as there had been a contravention of Section 33 of the Act the complainant was entitled to make the complaint.

*Reference No. 65 of 1961*

5. In Reference No. 65 of 1961, the question was whether the dismissal of Ganesh Mahate, Miner of Digwadih Colliery, was justified and, if not what relief he was entitled. In the present complaint, the question is whether the discharge of the complainant who is also a miner serving in the Digwadih Colliery, was justified and on this ground it was contended on behalf of the complainant, <sup>1</sup> both the cases being of a miner, the miner in the instant complaint should be deemed to be a workman concerned in Reference No. 65 of 1961. I am afraid I cannot accede to this contention and hold it as correct. Reference No. 65 of 1961, was not a Reference in a representative character or on behalf of all the miners of the Colliery so as make the dispute a representative one and include the complainant also. That was an individual dispute of an individual worker. In this view, I think the preliminary objection of Sri Prasad is well founded and must be given effect to.

6. I, accordingly, dismiss the complaint as not maintainable.

7. This is the award which I make and submit to the Government of India under Section 15 of the Act.

DHANBAD,

The 19th August, 1963.

Sd/- RAJ KISHORE PRASAD,  
Presiding Officer,  
Central Govt., Industrial Tribunal,  
Dhanbad.  
[No. 2/158/61-LRIL.]

ORDERS

*New Delhi, the 28th August 1963*

S.O. 2549.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Calcutta Insurance Ltd., Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Jhabbar Nau, Peon of the Calcutta Insurance Limited was justified? If not, to what relief Shri Nau is entitled?

[No. 70(5)/63-LRIV.]

S.O. 2550.—In exercise of the powers conferred by sub-section (3) of section 19 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby extends the period of operation of the award of the National Industrial Tribunal, Bombay, in the industrial dispute referred to the said Tribunal by the Order of the Government of India in the Ministry of Labour and Employment, No. S.O. 2384 dated the 22nd September, 1960 and published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2603, dated the 7th August, 1962, in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 20th August, 1962, by a period of one year.

[No. 55(26)/63-LRIV.]

**S.O. 2551.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Wadi Bunder Kamgar Sahakari Society Limited, Bombay, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the workmen employed by Messrs Wadi Bunder Kamgar Sahakari Society Ltd., Bombay, are entitled to extra wages for carrying bags beyond a distance of 70 feet and for stacking big bags, that is to say, any bag weighing 65 kg or more, above the height of 16 big bags, or for stacking small bags, that is to say, any bag weighing below 65 kg, above the height of 18 small bags; if so, what should be the quantum of such extra wages

[No. 28/33/63-LRIV.]

*New Delhi, the 29th August 1963*

**S.O. 2552.**—Whereas, the employers in relation to the Bombay Port Trust, Bombay and the Transport and Dock Workers' Union have jointly applied to the Central Government for reference of an industrial dispute between them to a Tribunal in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas, the Central Government is satisfied that the said Transport and Dock Workers' Union represents a majority of the workmen.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

#### SCHEDULE

Whereas an industrial dispute exists between the Bombay Port Trust and its workmen represented by the Transport & Dock Workers' Union and it is expedient that the dispute specified in the enclosed statement should be referred for adjudication by a Tribunal an application is hereby made under Section 10(2) of the Industrial Disputes Act, 1947, that the said dispute should be referred to a Tribunal.

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1957, is attached.

Dated the 8-7-1963.

Signature of

Sd/-

Principal Officer  
of the Corporation.  
Secretary, Bombay Port Trust.

Signature of the

Sd/-

President of the Trade  
Union.

Sd/-

Secretary of the  
Trade Union.

To

The Secretary to the Government of India,  
Ministry of Labour & Employment.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1957, to accompany the form of application prescribed under Sub-section (2) of Section 10 of the Industrial Disputes Act, 1947:—

(a) Parties to the dispute including the name and address of the establishment or undertaking involved.

(1) The Trustees of the Port of Bombay, Port Trust Administrative Offices, Ballard Road, Bombay-1.

(2) The Transport & Dock Workers' Union, P. D'Mello Bhavan, 2nd Floor, P. D'Mello Road (Frere Road), Carnac Bunder, Bombay.

(b) Specific matters in dispute.

"Whether tally clerks transferred or appointed as clerks grade II, the revised scales of pay of both the posts being identical, should continue to get an additional increment on such transfer or appointment, as in the past when the scale of pay of clerks grade II was higher than the tally clerk's scale of pay".

(c) Total number of workmen employed in the undertaking affected  
About 25,000.

(d) Estimated number of workmen affected or likely to be affected by the dispute.

About 1,238.

(e) Efforts made by the parties themselves to adjust the dispute.

The parties have held discussions but have been unable to reach a settlement; they have, however, agreed to refer the matter to adjudication.

Sd/-

President of the Trade Union

Sd/-

Secretary of the Trade Union

Sd/-

Principal Officer of the Corporation.

Secretary, Bombay Port Trust.

[No. 28/50/63/LRIV.]

*New Delhi, the 30th August 1963*

**S.O. 2553.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the State Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, of which Shri K. L. Gosain shall be the Presiding Officer and which shall have its headquarters at Chandigarh, and refers the said dispute for adjudication to the said Industrial Tribunal.

#### SCHEDULE

Whether the discharge of Shri Hari Lal Bansal, Money Tester, Ambala Cantonment Branch of the State Bank of India was justified? If not, to what relief is the employee entitled?

[No. 51(36)/63-LRIV.]

A. L. HANDA, Under Secy.

*New Delhi, the 30th August 1963*

**S.O. 2554.**—In exercise of the powers conferred by sub-sections (3) and (4) of section 5A, read with section 9 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints Shri K. N. Srinivasan, Chief Engineer, Madras Port Trust as Chairman and a Member of the

Madras Dock Labour Board, *vice* Shri N. Subrahmanyam, transferred, and directs that the following further amendment shall be made in the notification of the Government of India, in the Ministry of Labour and Employment No. S.O. 1372 dated the 19th May, 1960, namely:—

In the said notification, under the heading "*Members representing the Central Government*", in item (1), for the entry "Shri N. Subrahmanyam, I.C.S., Chairman, Madras Port Trust", the entry "Shri K. N. Srinivasan, Chief Engineer, Madras Port Trust" shall be substituted.

[No. 524/4/60-Fac.]

K. D. HAJELA, Under Secy.

*New Delhi, the 30th August 1963*

**S.O. 2555.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri K. Manoharan to be an Inspector for the whole of the State of Madras for the purposes of the said Act and of any scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry.

[No. 20(47)63-PF-I]

P. D. GAIHA, Under Secy.

*New Delhi, the 30th August 1963*

**S.O. 2556.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories in sparse areas, hereby exempts the factories situate in the areas in the State of Maharashtra mentioned in the Schedule below from the payment of the employers' special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in those areas.

#### SCHEDULE

Sl. No.	Name of the Distr.ct.	Name of the area.	Name of the factory.
1.	Bhandara	Gondia Tumsar	M/s Jagdish Saw Mills. M/s Shriram Metal Industries.
2.	Nagpur	Kamptee	M/s National Tiles and Marbles Co.
3.	Ycotmal	Wani Ycotmal	M/s Chini Oil Mills. M/s Ganesh Saw Mills.

[No. F. 6(114)/63-HI]

**S.O. 2557.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the seasonal nature of the industry carried on in the factory, hereby exempts M/s. Elite Products, Kozhikode, from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from 1st September, 1963.

[No. F. 6(108)/63-HI.]

**S.O. 2558.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948, (34 of 1948), the Central Government, having regard to the location of the factories in sparse areas, hereby exempts the factories situate in the areas in the State of Bihar mentioned in the Schedule below, from the payment of the employers' special contribution leviable under Chapter VA of the said Act till the enforcement of the provisions of Chapter V of that Act in those areas.

SCHEDULE

Sl. No.	Name of District	Name of the area.	Name of the factory
1.	Hazaribagh	Jhumri Tilaiya Hazaribagh	Koderna Glass works. Bihar State Road Transport Corporation workshop.
2.	Santhal Parganas	Pakur	Pakur Lac Factory.
3.	Shahabad	Indrapuri	Hindustan Construction Co., Sone Barrage Works.

[No. F. 6(110)/63-HI.]

**S.O. 2559.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories in implemented area, hereby exempts the undermentioned factories belonging to the Bombay Port Trust from the payment of the employers' special contribution leviable under Chapter VA of the said Act:—

1. Hydraulic Establishment Prince's and Victoria Docks.
2. Primary-cum-secondary sub station PS2/SS6, Carnac Bunder.
3. Hydraulic Establishment, Alexandra Dock.
4. Hughes Dry Dock.

[No. F. 6(106)/63-H.I.]

New Delhi, the 31st August, 1963

**S.O. 2560.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government, having regard to the location of the factories in sparse areas, hereby exempts the factories situate in the areas in the State of Orissa mentioned in the Schedule below from the payment of the employers' special contribution leviable under Chapter VA of the said Act until the enforcement of the provisions of Chapter V of that Act in those areas.

SCHEDULE

Sl. No.	Name of the District.	Name of the area.	Name of the factory.
1	2	3	4
1.	Cutrack	Bhagatpur	Orissa Cotton Mills Ltd.
2.	Ganjam	Aska	Aska Powerloom Co-operative Society Ltd.
3.	Koraput	Ambaguda	Central Workshop, Dandakaranya Proj ct,
4.	Puri	Bhubaneswar	Government of Orissa Text Book Press.

[No. F. 6(112)/63-HI.]

O. P. TALWAR, Under Secy.

New Delhi, the 2nd September 1963

**S.O. 2561.**—Whereas the Central Government, being satisfied that the public interest so required, had declared, by a notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), (being the notification of the Ministry of Labour and Employment, No. S.O. 663, dated the 7th March, 1963), service in hospitals and dispensaries carried on by or under the authority of the Central Government, to be a public utility service for the purposes of the said Act for a period of six months from the 7th March, 1963;

And whereas the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said service to be a public utility service for the purposes of the said Act for a further period of six months from the 7th September, 1963.

[No. F. 1/40/63-LR-I.]

G. JAGANNATHAN, Under Secy.

## MINISTRY OF MINES &amp; FUEL

New Delhi, the 27th August 1963

**S.O. 2562.**—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 1690 dated 14th June, 1963 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And, whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines.

## SCHEDULE

State	District	Tehsil			
Gujarat	Kaira	Cambay			
Village	Survey No.	Acre	Guntha	Sq. Yds.	Sq. ft.
Lunaj . . . .	272	0	4	41	5
Sokhada . . . .	203	0	18	62	0
" . . . .	204	0	3	97	0
" . . . .	182/2	0	3	97	0
" . . . .	181/1	0	1	39	0
" . . . .	181/2	0	18	102	0
" . . . .	179	0	19	67	6
" . . . .	178	0	17	69	6
" . . . .	171/1	0	11	115	6
" . . . .	170/2	0	0	36	1
" . . . .	171/3	0	9	77	6
" . . . .	172	0	8	65	3
" . . . .	177/1	0	0	3	3
Neza . . . .	87	0	9	64	3
" . . . .	75	0	31	115	6
" . . . .	76	0	0	15	8
" . . . .	74	0	12	0	0
" . . . .	25	0	29	21	2
" . . . .	24	0	0	83	1
" . . . .	26	0	28	0	0
" . . . .	18	0	1	5	6
" . . . .	27	0	14	52	6
" . . . .	16	0	24	0	0
" . . . .	14	0	12	14	6
" . . . .	5	0	7	19	6
" . . . .	328	0	21	112	3
" . . . .	327/1	0	15	91	6
" . . . .	325	0	10	110	0
" . . . .	326	0	12	74	6
Cambay . . . .	484	0	5	11	0
" . . . .	478	0	3	3	0
" . . . .	487	0	20	14	4
" . . . .	483	0	15	3	3
" . . . .	477	0	29	60	4



State	District	Tehsil			
Guairat	Kaira	Cambay			
Village	Survey No.	Acre	Guntha.	Sq. Yds.	Sq. Ft.
Cambay	406/1	0	17	115	4
"	396	0	6	35	2
"	395	0	1	8	5
"	394	0	7	32	2
"	391	0	12	41	3
"	348	0	1	79	0
"	390	0	11	89	0
"	380	0	20	0	0
"	381	0	4	9	3
"	379	0	15	48	3
"	377	0	17	23	0
"	375	0	12	48	0
"	376	0	6	64	0
"	355	0	18	62	0
"	356	0	0	18	3
"	370	0	18	22	0
"	366/1	0	24	69	3
"	366/2	0	7	19	6
"	271/1	0	0	66	4
"	287	0	29	77	6
Kansari	67/4	0	3	30	2
"	57	0	22	84	6
"	56	0	28	38	6
"	54	0	8	5	3
"	53/1	0	4	109	3
"	53/2	0	11	0	0
Sakarpur	567	0	14	86	0
"	566	0	3	57	0
"	564	0	29	31	0
"	563	0	14	72	6
"	548	0	16	64	0
"	540	0	7	39	6
"	547	0	7	19	2
"	546	0	15	118	3
"	541/6	0	8	98	6
"	541/2	0	6	14	0
"	460	0	0	33	3
"	455	0	10	63	3
"	453	0	22	27	0
"	454	0	17	43	0
"	414	0	32	10	2
"	415	0	17	103	0
"	436	0	0	43	2
"	434	0	20	86	6
"	432	0	20	86	6
Nana Kalodra	233	0	4	109	3
"	240	0	21	33	0
"	12	0	23	77	0
"	14/1	0	24	62	6
"	14/2	0	18	68	6
Vasna	299		4	109	3
"	300	0	18	21	3
"	301	0	10	10	0
"	302	0	11	146	0
"	285	0	29	44	3
"	306	0	33	90	3
"	263	0	18	34	5
"	262	0	1	105	6

State	District	Tehsil			
Gujarat	Kaira	Cambay			
Village	Survey No.	Acre	Guntha	Sq. Yds.	Sq. Ft.
Vasna	261	0	0	113	3
"	264	0	10	33	3
"	255	0	31	102	3
"	233	0	17	96	3
"	234	0	8	1	3
"	243	0	5	1	6
"	240	0	3	90	3
"	242	0	26	9	5
"	241	0	9	37	6
"	164	0	22	18	0
"	172	0	11	102	3
"	100	0	5	115	0
"	98	0	16	90	0
"	99	1	3	117	0
"	59	0	27	71	6
"	361	0	29	131	0
"	61	0	19	47	3
"	62	0	3	30	3
Ralaj	675	0	1	105	6
"	657	0	25	61	6
"	658	0	4	6	6
"	655	0	2	0	0
"	653	0	2	58	0
"	654/3	0	16	50	6
"	647	0	5	70	5
"	646	0	10	76	6
"	642	0	1	45	6
"	637/3	0	19	81	4
"	635	0	3	97	0
"	636	0	10	16	6
"	1	0	1	15	1
"	2	0	4	26	0
"	14	0	13	25	7
"	15	0	9	50	8
"	16	0	5	17	2
"	17	0	3	41	0
"	18	0	0	31	1
"	20	0	12	89	6
"	21	0	13	40	3
"	26	0	3	33	6
"	28	0	0	11	1
"	22	0	16	104	0
"	150	0	2	98	0
"	19	0	5	59	4
"	177	0	12	41	3
"	178/1	0	8	38	6
"	180	0	10	0	3
"	181/1	0	2	104	6
"	181/2	0	2	4	7
"	191/1	0	19	21	0
"	191/2	0	2	91	3
"	190	0	4	82	6
"	187/1	0	14	46	0
"	187/2	0	7	106	3
"	187/3	0	2	104	6
"	250	0	4	52	0
"	248/1	0	5	61	6
"	248/2	0	5	8	3
"	210	0	11	42	3
"	211	0	8	112	0

State Gujarat	District Kaira	Tehsil Cambay			
Village	Survey No.	Acre	Guntha	Sq. Yds.	Sq. Ft.
Rajaj—Contd.	246	0	4	49	3
"	245	0	15	115	3
"	244	0	6	114	0
"	217	0	0	16	3
"	243	0	18	105	3
"	215	0	4	52	7
"	216	0	16	21	7
Kalamsar	855	0	13	72	5
"	854	0	1	35	0
"	853	0	36	51	5
"	851/1	0	11	92	8
"	852	0	01	96	2
"	850	0	0	36	4
"	848	1	1	45	6
"	824	0	36	13	1
"	834	0	1	46	5
"	833	0	24	51	5
"	825	0	6	35	6
"	832	0	18	35	3
"	830	0	14	19	3
"	829	0	16	97	3
"	890	0	14	99	3
"	892	0	13	73	6
"	915/1	0	16	64	0
"	915/2	0	16	30	6
"	916	0	7	8	5
"	918	0	18	102	0
"	921	0	9	117	6
"	922	0	6	7	3
"	925	0	13	33	6
"	926	0	25	15	0
"	937	0	10	34	6
"	939	0	23	97	0
"	941	0	15	104	7
"	942	0	3	39	5
"	1007	0	16	64	0
"	1009/2	0	16	24	0
"	1009/3	0	19	114	0
"	1164	0	25	55	0
"	1163	0	18	108	6
"	1137	0	25	55	0
"	1138	0	21	62	6
"	1139	0	16	57	3
"	1140	0	19	61	0
"	1148	0	8	32	0
"	1149	0	10	43	7
"	1150	0	12	90	2
"	1145	0	1	10	6
"	1152	0	15	65	0
"	1155	0	20	42	2
"	1158	0	3	74	7
"	1160	0	17	53	6
"	1161	0	31	40	1
"	1162	0	13	63	6
Haripura	501	0	3	15	8
"	2/4				
"	502	0	13	61	1
	2/3				

State Gujarat	District Kaira	Tehsil Cambay				
Village	Survey No.	Acre	Guntha	Sq. Yds.	Sq. Ft.	
Dhuwaran	208	0	1	8	1	
"	209	0	14	23	4	
"	210	0	3	13	5	
"	610	0	7	75	5	
"	611	0	8	70	1	
"	612	0	10	63	3	
"	244	0	23	25	8	
"	245	0	16	84	0	
"	253/3	0	16	34	0	

(No. 31/38/63-ONG.)

*New Delhi, the 30th August 1963*

S.O. 2563.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such a pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

**SCHEDULE**

State	West Bengal		Dist. Burdwan.	Tehsil/Thana	Jamalpur
Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Jougram, J.L. 114	4	·19	Jougram, J.L. 114—(Contd.)	190	·07
	5	·19		192	·02
	6	·13		194	·005
	7	·005		195	·15
	10	·14		221	·09
	12	·15		222	·10
	13	·10		223	·11
	16	·03		229	·02
	164	·005		230	·06
	166	·005		231	·11
	168	·005		232	·06
	169	·15		234	·06
	170	·09		235	·17
	173	·23		239	·25
	174	·08		240	·02
	184	·23		397	·13
	185	·08		882	·02
	186	·005		1066	·23
	189	·03		1067	·10

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Jougram, J.L. 114— <i>contd.</i>	1068	·07	Jougram, J.L. 114— <i>contd.</i>	6006	·03
	1069	·08		6007	·05
	1070	·10		6008	·09
	1071	·07		6009	·10
	1072	·11		6010	·02
	1074	·07		6015	·04
	1075	·01		6016	·07
	1076	·06		6017	·08
	1109	·01		6019	·16
	1110	·05		6020	·07
	1197	·05		6021	·05
	1202	·11		6100	·11
	1203	·10		6101	·02
	1204	·01		6102	·005
	1211	·20		6104	·06
	1215	·02		6105	·03
	1216	·10		6106	·02
	1217	·03		6152	·13
	1222	·01		6186	·06
	1223	·19		6187	·11
	1224	·02		6188	·15
	1225	·005		6189	·21
	1229	·07		6191	·07
	1230	·09		6192	·06
	1231	·11		6193	·10
	1232	·04		6194	·05
	1236	·11		6195	·08
	1237	·005		6196	·11
	1241	·005		6197	·02
	1242	·21		6199	·06
	1243	·21		6248	·15
	1244	·02		6249	·07
	1245	·03		6250	·02
	1246	·05		6252	·14
	1249	·005		6253	·02
	1250	·05		6254	·05
	1251	·09		6256	·02
	1252	·10		6257	·10
	1253	·01		6258	·08
	1257	·005		6260	·005
	1282	·005		6405	·23
	1283	·11		6406	·24
	2220	·02		6407	·09
	2221	·005		6408	·01
	5751	·53		6409	·06
	5784	·13		6410	·13
	5785	·18		6577	·01
	5788	·12		6581	·01
	5789	·25		6582	·15
	5795	·24		6583	·18
	5796	·01		6584	·005
	5806	·06			
	5867	·03			
	5868	·03	Ajhapur, J.L. 20 . . .	424	·01
	5869	·04		425	·24
	5870	·05		428	·05
	5874	·09		436	·005
	5875	·07		437	·005
	5876	·11		439	·005
	5877	·18		440	·02
	5905	·11		441	·14
	5908	·04		442	·13
	5909	·08		443	·01
	5910	·08		444	·04
	5911	·04		445	·06
	6003	·05		446	·11
	6005	·005		447	·11

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Ajhapur, J.L. 20— <i>contd</i>	448	·01	Ajhapur, J.L. 20— <i>contd</i> .	2926	·06
	534	·15		2929	·17
	555	·23		4660	·14
	556	·02		4662	·01
	558	·15		4663	·12
	560	·10		4709	·005
	561	·11		4713	·03
	563	·07		4714	·03
	565	·02		4715	·09
	566	·11		4716	·09
	567	·11		4718	·05
	568	·05		4719	·22
	569	·07		4720	·14
	633	·06		4721	·02
	634	·07		4728	·02
	682	·01		4742	·08
	683	·19		4744	·06
	684	·02		4746	·11
	686	·14		4747	·08
	687	·05		4748	·03
	689	·01		4749	·21
	690	·02		4750	·27
	691	·10		4751	·12
	692	·02		4754	·005
	694	·09		5245	·08
	695	·12		5247	1'40
	696	·01		5261	·05
	698	·14		5265	·05
	703	·05		5266	·14
	704	·22		5267	·05
	710	·08		5268	·08
	840	·11		5269	·16
	1379	·45		5270	·11
	2803	·005		5279	·02
	2804	·07		5282	·02
	2805	·11		5283	·05
	2807	·13		5284	·03
	2808	·10		5285	·02
	2810	·10		5286	·04
	2814	·11		5287	·05
	2815	·15		5288	·17
	2816	·07		5289	·06
	2817	·01		6472	·07
	2834	·09	Nabagram, J.L. 16	918	·11
	2835	·10		919	·11
	2836	·05		920	·27
	2837	·07		925	·06
	2840	·05		926	·19
	2841	·08		928	·02
	2843	·03		933	·15
	2844	·07		934	·21
	2868	·01		935	·11
	2869	·21		936	·10
	2871	·005		1545	·14
	2872	·17		1547	·16
	2873	·05		1548	·05
	2893	·11		1549	·33
	2897	·04		1550	·005
	2898	·10		1554	·16
	2899	·10		1648	·01
	2900	·08		1652	·06
	2901	·13		1653	·15
	2902	·12		1654	·04
	2903	·07		1698	·07
	2912	·07		1700	·15
	2913	·07		1701	·14
	2914	·26			

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Nabagram, J. L. 16— <i>contd.</i>	1702	·01	S ramani, J. L. 110— <i>contd.</i>	149	·17
	1703	·18		150	·06
	1705	·20		153	·005
	1709	·05		164	·05
	1710	·02		165	·03
Dattapur, J.L. 28	406	·09		166	·04
	407	·17		167	·05
	408	·16		168	·01
	432	·17	Abujhati, J.L. III	1318	·31
	433	·02		1328	·07
	434	·44		1329	·11
	441	·01		1330	·10
	442	·13		1331	·02
	443	·005		1335	·17
	455	·005		1336	·01
	781	·13		1361	·04
	793	·12		1362	·07
	794	·07		1363	·08
	795	·10		1364	·04
	796	·02		1370	·005
	797	·02		1371	·10
	799	·02		1373	·10
	802	·04		1379	·16
	803	·03		1381	·13
	804	·10		1382	·08
	830	·04		1384	·07
	831	·05		1393	·18
	832	·10		1394	·17
	833	·12		1395	·14
	851	·11		1396	·25
	852	·01		1622	·19
	853	·04		1623	·01
	855	·12		1624	·24
	879	·04		1625	·06
	880	·12		1633	·09
	881	·04		1634	·005
	882	·10		1635	·005
	883	·10		1705	·07
	884	·12		2352	·13
	887	·10		2354	·01
	888	·12		2359	·27
	889	·13		2360	·03
	890	·07		2361	·04
	912	·42		2363	·16
Sramani, J.L. 110	81	·005		2364	·12
	83	·02		2367	·04
	84	·11		2376	·05
	95	·08		2377	·17
	96	·14		2378	·01
	97	·09		2379	·04
	98	·11		2380	·11
	112	·17		2381	·005
	114	·09		2382	·14
	115	·02		2383	·005
	116	·12		2396	·005
	117	·005		2397	·12
	118	·11		2398	·17
	119	·09		2399	·05
	120	·03		2401	·15
	121	·17		2402	·005
	145	·02		2403	·16
	147	·20		2404	·10
	148	·03		2405	·005
				2407	·005
				2410	·23
				2411	·17

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Abujhati, J.L. III— <i>contd.</i>	2412	·005	Purbasadipur J.L. 21— <i>contd.</i>	798	·15
	2417	·10		804	·01
	2418	·01		805	·16
	2473	·02		806	·05
	2474	·04		807	·07
	2475	·05		810	·03
	2476	·03		811	·12
				816	·005
Jagoupur J.L. 115	296	·01		817	·05
	298	·05		870	·09
	299	·10			
	305	·12	Astai, J.L. 106	1176	·10
	306	·07		1177	·12
	307	·02		1180	·08
	308	·02		1181	·09
	309	·13		1182	·09
	310	·10		1184	·20
	311	·03		1185	·11
			Panch Simul, J.L. 107	17	·09
Purbasadipur, J.L. 21	17	·04		20	·12
	22	·05		21	·06
	142	·29		23	·08
	143	·04		24	·11
	147	·16		25	·005
	148	·10		26	·03
	149	·03		28	·12
	151	·05		29	·03
	152	·11		32	·10
	153	·13		39	·02
	154	·06		60	·13
	155	·09		61	·13
	226	·14		63	·01
	227	·11		64	·11
	228	·02		65	·005
	229	·02		66	·06
	233	·01		67	·14
	235	·16		68	·09
	236	·13		101	·11
	237	·05		102	·13
	238	·11		125	·005
	239	·05		126	·20
	241	·06		131	·03
	242	·05		160	·05
	298	·03		161	·35
	299	·21		162	·02
	301	·10		170	·03
	321	·07		171	·25
	323	·07		173	·23
	324	·07		175	·05
	325	·04		176	·06
	326	·09		179	·19
	327	·04		181	·04
	341	·01		187	·01
	364	·07		957	·13
	365	·14		1270	·04
	366	·03			
	367	·14	Amra, J. L. 112	15	·005
	368	·01		16	·10
	369	·04		18	·02
	370	·005		19	·05
	371	·09		20	·03
	793	·09		21	·07
	794	·04		22	·06
	795	·16		27	·005
	796	·02		28	·10
	797	·06		29	·08
				30	·04



Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Amra, J. L. 112— <i>contd.</i>	31	·005	Amra, J. L. 112— <i>contd.</i>	803	·14
	32	·12		804	·13
	33	·07		805	·04
	44	·02		806	·02
	46	·12		807	·01
	47	·08		808	·15
	50	·03		809	·14
	51	·005		811	·19
	99	·13		812	·25
	100	·29		861	·23
	102	·02		862	·04
	103	·03		863	·005
	104	·18		864	·10
	105	·01		866	·10
	129	·03		1649	·01
	130	·01		1650	·09
	131	·03		1651	·005
	132	·07		1652	·11
	133	·12		1653	·11
	135	·13		1660	·15
	138	·11		1663	·01
	140	·04		1686	·01
	141	·02		1689	·09
	142	·07		1690	·08
	144	·21		1691	·09
	150	·09		1692	·11
	151	·09		1693	·15
	160	·29		1694	·11
	161	·005		1706	·25
	3115	·04		1710	·11
	316	·08		1711	·03
	317	·19		1751	·13
	318	·01		1752	·09
	320	·05		1753	·10
	321	·06		1755	·01
	322	·10		1756	·11
	323	·04		1757	·02
	330	·07		1758	·03
	332	·11		1759	·02
	333	·09		1761	·04
	335	·02		1762	·11
	336	·03		1763	·01
	337	·03		1770	·03

[No. 31/33/63-ONG-i.]

**S.O. 2564.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such a pipeline, it necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Mohanpur, J. L. 61 .	1	·09	Dhandabag, J. L. 63 .	554	·18
	3	·11		555	·04
	4	·21		556	·04
	67	·10		561	·02
	68	·10		563	·04
	80	·17		564	·06
	81	·05		565	·06
	82	·04		566	·10
	84	·17		567	·09
	85	·05		568	·30
	86	·16		571	·06
	89	·30		572	·09
	115	·18		573	·02
	526	·32		775	·09
	535	·10			
	536	·07			
	537	·02	Faridpur, J.L. 74	724	·02
				739	·10
				740	·35
Sujara, J. L. 63 .	1	·14		741	·35
	9	·20		742	·01
	10	·25		750	·05
	11	·12		760	·20
	12	·15			
	13	·005			
	15	·04			
	16	·12	Bhiringi, J.L. 68 .	368	·05
	17	·07		370	·04
	18	·03		371	·12
	19	·37		372	·01
	36	·05		373	·01
	49	·20		380	·10
	50	·12		382	·20
	58	·25		383	·10
	63	·15		393	·01
	64	·12		394	·05
	65	·03		395	·50
	67	·19		446	·03
	72	·13		447	·18
	91	·03		448	·03
	92	·07		449	·05
	93	·02		450	·02
	95	·15		452	·06
	96	·13		484	·03
	101	·14		485	·10
				486	·20
				515	·02
				516	·04
				517	·03
				522	·27
				523	·03
				549	·01
				550	·14
				551	·05
				552	·10
				553	·01
				554	·14
				555	·15
				556	·10
				557	·01
				577	·01
				578	·12
				579	·08
				583	·01
Mejedhi, J. L. 65 .	1	·03			
	16	·12			
	17	·11			
	18	·28			
	19	·05			
	34	·16			
	35	·15			
	36	·12			
	39	·11			
	984	·08			
Chak Agar, J. L. 60 .	86	·02			
Amrai, J. L. 58 .	2932	·11			
	2934	·34			
	2935	·05			

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Bhiringi, J.L. 68— <i>contd.</i>			Bhiringi, J.L. 68— <i>contd.</i>		
	535	·01		1852	·22
	587	·10		1853	·02
	589	·12		1859	·05
	590	·08		1862	·01
	605	·01		1864	·09
	606	·05		1867	·005
	607	·10		1868	·005
	608	·16		1869	·005
	609	·21		1870	·02
	610	·01		1871	·02
	652	·10		1872	·12
	659	·03		1884	·08
	660	·12		1885	·02
	661	·11		1888	·005
	662	·18		1950	·01
	663	·02		1951	·03
	665	·21		1952	·02
	713	·03			
	714	·10		1953	·005
	715	·03		1956	·01
	716	·14		1957	·14
	722	·05		1958	·11
	723	·16		1960	·01
	724	·23		1962	·19
	726	·06		1963	·24
	755	·28		1964	·01
	756	·03		1974	·005
	757	·58		2011	·03
	762	·38		2035	·03
	774	·15		2036	·22
	1299	·04		2037	·14
	1303	·03		2038	·06
	1304	·06		2041	·02
	1305	·02		2042	·17
	1306	·02		2043	·05
	1316	·03		2051	·43
	1317	·07		2053	·01
	1319	·04		2054	·02
	1320	·17		2055	·10
	1321	·005		2056	·01
	1322	·005		2057	·01
	1323	·01		2058	·07
	1817	·01		2059	·10
	1818	·005		2061	·30
	1848	·02		2064	·005
	1849	·02		2067	·30
	1850	·09		2077	·05
	1851	·01		2107	·02

[No. 31/33/63-ONG-ii.]

**S.O. 2565.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such a pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

#### SCHEDULE

State— West Bengal Distt.—Hooghly Tehsil/Thana—Dhaniakhali

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Mandata, J.L. 77	225	·02	Mandara, J.L. 77—contd.	806	·22
	229	·05		809	·05
	230	·09		826	·05
	231	·02		828	·12
	232	·005		829	·06
	233	·08		830	·08
	234	·10		831	·01
	236	·06		833	·06
	237	·17		835	·16
	238	·24		836	·09
	273	·12		837	·09
	274	·13		838	·06
	275	·05		839	·08
	281	·09		843	·06
	282	·02		846	·01
	283	·18		847	·06
	284	·22		848	·06
	359	·05		872	·12
	384	·12		873	·12
	385	·12		874	·12
	386	·05		1056	·07
	387	·05		1057	·11
	390	·05		1058	·35
	391	·02		1061	·02
	401	·15		1071	·20
	407	·05		1072	·11
	408	·01		1073	·06
	409	·28		1074	·005
	410	·15		1075	·06
	412	·005		1076	·04
	494	·38		1077	·02
	495	·01		1079	·04
	500	·03		1080	·04
	561	·10		1081	·01
	562	·10		1092	·06
	563	·01			
	564	·18	Kakgachhi, J.L. 79	1177	·14
	566	·01			
	568	·10	Ramchandrapur, J.L. 194	438	·10
	569	·02			
	570	·01			
	573	·38	Kanuibanka, J.L. 197	1029	·41
	574	·01		1030	·04
	576	·25		1021	·06
	577	·15		1059	·02
	593	·15		1060	·34
	594	·05		1061	·06
	595	·15		1312	·03
	596	·07		1313	·09
	629	·01		1342	·05
	632	·05		1343	·03
	633	·12		1355	·03
	803	·11		1356	·03
	804	·13		1357	·09
	805	·23		1358	·01

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
	1360	·18		1013	·21
	1361	·005		1014	·18
	1362	·07		1017	·06
	1363	·06		1018	·29
	1365	·21		1019	·03
	1366	·05		1040	·08
	1367	·06		1045	·05
	1371	·12			
	1372	·005	Dakshin Mogalpur,	381	·02
	1373	·09	J.L. 76.	382	·01
	1374	·11		384	·26
	1375	·10		385	·14
	1376	·01		386	·03
	1377	·09		387	·15
	1378	·04		390	·02
	1379	·10		391	·13
	1451	·02		392	·12
	1482	·02		419	·01
	1483	·10		420	·36
	1484	·08		422	·13
	1485	·07		423	·05
	1486	·04		427	·07
	1490	·21		428	·005
	1491	·14		454	·41
	1492	·02		455	·13
	1493	·02		458	·02
	1494	·21		459	·08
	1524	·12		460	·11
	1525	·08		461	·04
	1526	·13		479	·005
	1527	·13		480	·04
	1531	·02		485	·01
	1532	·18		486	·04
	1533	·03		487	·05
	1534	·08		488	·09
	1535	·09		489	·04
	536	·01		490	·005
Dakshin Abhirampur,	818	·07		491	·34
J.L. 78.	819	·08		753	·01
	820	·03		757	·05
	938	·13		758	·13
	939	·11		759	·10
	940	·03		760	·07
	945	·10		761	·05
	946	·02		762	·03
	947	·01		763	·02
	950	·02		764	·13
	951	·31		768	·10
	952	·05		773	·08
	953	·02		774	·17
	962	·06		775	·17
	964	·13		776	·01
	965	·01		781	·01
	966	·24		782	·03
	982	·13		783	·02
	995	·02	Naopara, J.L. 193	1	·15
	996	·005		2	·07
	997	·13		3	·12
	998	·03		5	·02
	1001	·05		6	·02
	1002	·19		10	·08
	1004	·05		11	·15
	1005	·25		12	·10
	1006	·10		13	·01
	1012	·01		15	·02
				16	·05

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Naopara, J.L. 193— <i>contd.</i>	619	·01	Rudrani, J.L. 189— <i>contd.</i>	256	·17
	620	·07		259	·06
	621	·20		260	·09
	622	·08		261	·19
	631	·05		262	·14
	632	·12		263	·06
	633	·10		280	·01
	634	·05		281	·10
	635	·01		293	·04
	652	·03		294	·06
	653	·02		295	·22
	654	·25		298	·05
	656	·18		299	·16
	657	·12		313	·005
	672	·01		314	·01
	673	·01		315	·10
	674	·02		316	·10
	675	·04		328	·06
	676	·03		329	·04
	680	·02		330	·05
	713	·06		331	·08
	714	·16		335	·07
	715	·20		336	·11
	720	·09		337	·18
	722	·03		338	·05
	723	·03		380	·005
	724	·01		381	·10
	725	·02		382	·02
	726	·05		383	·06
	727	·05		384	·03
	728	·10		385	·10
	729	·05		386	·23
	836	·11		387	·04
	837	·11		394	·07
	838	·09		593	·06
	839	·01		595	·06
	842	·02		596	·13
	860	·02		598	·005
	861	·15		599	·02
	862	·03		600	·07
	864	·01		601	·11
	865	·04		602	·05
	866	·05		603	·005
	867	·05		604	·21
	868	·08		605	·12
	869	·18		622	·03
	870	·30		624	·21
	871	·01		626	·01
	878	·10		627	·17
	879	·01		629	·08
	880	·10		630	·10
	918	·005		631	·02
	919	·17		632	·11
	920	·10		633	·11
Rudrani, J.L. 189				634	·02
	109	·10		635	·11
	110	·09		636	·01
	194	·19		637	·03
	195	·18		639	·12
	215	·01		640	·13
	217	·03		977	·03
	218	·09		991	·09
	219	·09		992	·09
	221	·17		993	·29
	222	·06		994	·01
	252	·26		996	·13
	253	·18		997	·17

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Rudrani, J.L. 189— <i>contd.</i>	998	·04	Uttar Mogalpur J.L. 180— <i>contd.</i>	10	·13
	1038	·32		70	·03
	1044	·005		71	·06
	1045	·005		72	·08
	1946	·11		72/A	·11
	1047	·02		80	·04
	1048	·09		82	·15
	1049	·03		89	·07
	1050	·08		90	·15
	1064	·10		91	·20
	1065	·01		113	·11
	1066	·005		114	·12
	1067	·06		115	·005
	1068	·06		118	·12
	1092	·31		119	·13
	1093	·09		168	·07
	1094	·07		169	·08
	1267	·005		170	·01
	1268	·23		171	·10
	1278	·10		498	·05
	1279	·12		525	·25
	1280	·02		526	·07
	1282	·04		527	·18
	1283	·01		533	·005
	1306	·26		534	·11
	1307	·11		535	·06
	1308	·10		536	·22
	1309	005		537	·05
	1312	005		538	·07
	1313	·29		539	·16
	1614	·21		540	·03
	1628	·05		571	·11
	1629	·07		576	·005
	1630	·02		578	·08
	1631	·01		579	·30
	1657	·02		580	·34
	1658	·03		581	·01
	1659	·03		585	·37
	1660	·11		591	·05
	1661	·01	Barakhanpur, J.L. 161	54	·01
	1662	·03		55	·06
	1663	·08		56	·05
	1664	·02		57	·06
	1665	·02		58	·25
	1666	·005		59	·05
	1673	·10		61	·05
	1677	·03		62	·10
	1678	·09		63	·19
	1679	·02		66	·28
	1680	·17		460	·02
	1681	·06		465	·12
	1682	·08		466	·17
	1715	·01		467	·26
	1717	·22		472	·09
	1719	·03		473	·09
	1720	·02		475	·10
	1721	·08		476	·03
	1722	·04		477	·02
	1783	·02		478	·12
Uttar Mogalpur, J.L. 180	3	·005		479	·11
	4	·10		481	·07
	5	·15		489	·005
	6	·05		491	·07
	8	·19		492	·20
	9	·01		495	·19

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Brakhanpur, J.L. 161— <i>contd.</i>	496	·005	Cheragram, J. L. 158— <i>contd.</i>	2908	·24
	498	·005		2909	·04
	499	·04		2913	·13
	509	·005		2914	·07
	510	·02		2915	·16
	511	·27			
	512	·07	Bhagabanpur, J.L. 184	58	·07
	513	·06		59	·06
	700	·04		60	·23
	705	·01		64	·15
	707	·14		65	·37
	708	·14		70	·18
	709	·11		208	·07
	722	·005			
	723	·24	Bathangaria, J. L. 159	58	·14
	724	·11		59	·005
	725	·03		62	·08
	726	·33		63	·05
	727	·05		64	·03
	807	·04		66	·05
	808	·23		67	·07
	809	·13		68	·01
	810	·11		70	·02
	814	·10		71	·005
	815	·06		73	·15
	816	·06		91	·07
				92	·09
				93	·11
Cheragram, J. L. 158	38	·01		101	·19
	39	·04		102	·01
	40	·08		105	·16
	41	·06		106	·21
	2543	·01		115	·10
	2546	·12		116	·09
	2547	·18		117	·01
	2548	·11		118	·11
	2700	·15		119	·06
	2701	·19		120	·19
	2702	·22		197	·02
	2742	·13		198	·03
	2743	·12		199	·05
	2744	·06		202	·04
	2745	·06		203	·11
	2747	·005		204	·10
	2748	·07		205	·12
	2761	·11		209	·19
	2762	·05		234	·25
	2763	·03		235	·005
	2770	·11		236	·10
	2771	·01		237	·01
	2776	·10		238	·02
	2777	·12		240	·01
	2780	·17		241	·06
	2823	·005		242	·02
	2824	·005		243	·05
	2825	·12		244	·06
	2826	·10		245	·02
	2827	·05		272	·32
	2831	·06		273	·02
	2832	·12		274	·04
	2833	·11		378	·18
	2897	·01		379	·10
	2898	·05		384	·10
	2899	·08		385	·11
	2907	·17		386	·05
				387	·08



Village	Survey No. (Pilot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Bathangaria, J. L. 159— <i>contd.</i>	390 391	·04 ·04	Gurap, J.L. 126— <i>contd.</i>	319 321 322 328 333 335 336 337 338 339 340 341 342 346 361 362 364 368 369 370 371 2745 2746 2747 2748 2869 2870 2872 2874 2875 2877 2883 2884 2888 2889 2928 2929 2936 2937 2949 2950 2951 2960 2961 2963 2964 2965 2971 2972 2974 2975 2990 2991 2994 2995 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3184	·07 ·02 ·01 ·36 ·05 ·09 ·08 ·08 ·05 ·05 ·02 ·14 ·13 ·02 ·12 ·09 ·23 ·13 ·01 ·11 ·05 ·10 ·20 ·01 ·05 ·15 ·03 ·07 ·15 ·10 ·03 ·30 ·005 ·05 ·11 ·22 ·22 ·005 ·11 ·06 ·03 ·09 ·05 ·06 ·08 ·10 ·21 ·05 ·07 ·09 ·05 ·10 ·15 ·05 ·05 ·07 ·04 ·06 ·03 ·02 ·02
Mudipur,, J. L. 183	3 4 5 41 42 43 44 83 84 85 86 89 90 91 92 93 94 95 96 97  98 134 135 138 162 163 185 189 190 191 192 193 194 202 203 204 206 207 208 209 211 215 565 566 567 568 593 595 596 597 598 599 600 602 609 674 681 684 586 695	·04 ·07 ·16 ·19 ·11 ·15 ·07 ·06 ·005 ·15 ·11 ·09 ·13 ·01 ·25 ·02 ·27 ·005 ·33 ·07  ·02 ·10 ·21 ·37 ·08 ·21 ·01 ·11 ·03 ·11 ·06 ·02 ·08 ·19 ·19 ·09 ·005 ·09 ·06 ·05 ·06 ·05 ·06 ·32 ·40 ·22 ·09 ·04 ·005 ·07 ·32 ·08 ·05 ·11 ·005 ·25 ·12 ·02 ·30 ·23 ·15 ·01			
Gurap, J.L. 126	317 318	·01 ·04			

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Gurap, J.L. 126, (Contd.)	3186	·07	Bara Mallicpur, J.L. 131 (Contd.)	501	·06
	3187	·08		502	·13
	3188	·09		503	·10
	3287	·04		504	·09
	3288	·04		505	·01
	3289	·04		510	·01
	3292	·12		531	·02
	3293	·08		532	·19
	3294	·07	Satidaha, J.L. 132	6	·07
	3295	·09		60	·03
	3316	·14		61	·24
	4169	·06		62	·10
	4170	·01		63	·15
	4174	·05		115	·14
	4175	·13		118	·10
	4176	·09		121	·03
	4300	·01		122	·11
	4303	·06		125	·04
	4304	·09		305	·16
	4305	·10		307	·03
	4308	·11		308	·07
	4309	·12		309	·21
	4310	·09		312	·01
	4311	·12		313	·15
	4312	·01		319	·005
	4324	·01		320	·14
	4362	·12		321	·37
	4365	·06		322	·15
	4366	·50		344	·05
	4367	·25		345	·15
	4368	·02		346	·07
	4374	·03		347	·02
	4375	·14		348	·01
	4376	·04		350	·08
	4383	·005		351	·06
	4388	·21		352	·01
	4389	·20		353	·03
	4390	·005		354	·08
	4391	·22		355	·18
	4392	·15		560	·15
	4397	·005		591	·13
	4398	·13		592	·21
Bara Mallicpur, J.L. 131	298	·05		599	·22
	299	·10		600	·05
	301	·02		602	·01
	306	·05		604	·05
	307	·05		605	·02
	308	·01		606	·01
	309	·06		627	·03
	310	·13		629	·09
	315	·19		630	·07
	316	·17		635	·02
	317	·19		636	·07
	453	·06		637	·01
	454	·01		638	·03
	456	·05		639	·03
	457	·09		647	·04
	458	·10		648	·08
	464	·005		649	·09
	493	·005		650	·08
	495	·05		651	·05
	496	·15		652	·005
	499	·02			
	500	·08			

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Satidaha, J.L. 132	653	·01	Satidaha, J.L. 132—	951	·07
--(Contd.)	662	·01	(Contd.)	952	·13
	663	·05		953	·06
	665	·005		954	·005
	666	·04		955	·29
	667	·01		956	·01
	668	·07		962	·17
	669	·04		963	·02
	670	·06		1045	·11
	671	·06		1046	·15
	949	·01		1083	·08

[No. 31/33/63-ONG-iii.]

**S.O. 2566.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such a pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the competent authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

State West Bengal			Dist MIDNAPUR			Tehsil/Thana MAHISADAL			
Village			Survey No. (Plot No.)	Extent (Area)	Village			Survey No. (Plot No.)	Extent (Area)
Kalsar, J.L. 88			1014	· 11	Tikarampur, J.L. 52			99	· 03
			1015	· 11				1496	· 05
								1499	· 02

[No. 31/33/63-ONG-iv.]

New Delhi, the 31st August 1963

**S.O. 2567.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State to the Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority—Special Land Acquisition Officer, C/o Indian Refineries Limited, P.O. Hathidah, District Patna. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

State—Bihar

District—Santhal Parganas

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Sahajpur No. 4	1298	0.10	Sahajpur No. 4	1256	0.155
Sardari Circle Pindari	1383	0.10	Sardari Circle Pindari	1254	0.09
			<i>contd.</i>	1253	0.185
	1389			1252	0.095
	903	0.14		1251	0.10
	906	0.08		1249	0.085
	908	0.125		1246	0.35
	1290	0.03		1245	0.11
				1244	0.08
	1383			1242	0.02
	911	0.02		1363	0.06
				1364	0.065
	1387			1365	0.09
	912	0.02		1241	0.015
				1240	0.02
	1386			1239	0.02
	912	0.05		1377	0.45
	911	0.06			
	913	0.04			
	1388				
	913	0.21	Saharjori No. 5	88	0.75
	1383	0.005	Sardari Circle Pindari	95	0.08
				78	0.155
	1390			79	0.165
	937	0.18		80	0.19
	935	0.16		81	0.08
	970	0.28		87	0.01
	971	0.015		82	0.06
	972	0.028		86	0.03
	973	0.03		85	0.07
	974	0.002		83	0.025
	979	0.045		84	0.02
	981	0.01		204	0.02
	980	0.06		213	0.10
	982	0.08		212	0.10
	983	0.08		211	0.005
	984	0.005		215	0.025
	990	0.06		217	0.185
	956	0.07		218	0.07
	991	0.04		219	0.065
	997	0.05		220	0.08
	996	0.14		221	0.06
	995	0.05		222	0.13
	999	0.025		223	0.08
	1287	0.455		224	0.01
	1286	0.22		209	0.005
	1285	0.17			
	1284	0.21			
	1281	0.13	Sakulpur No. 6	1609	0.693
	1279	0.10	Sardari Circle Pindari	913	0.44
	1269	0.06		914	0.005
	1268	0.18		918	0.01
	1267	0.215		919	0.34
	1265	0.08		922	0.085
	1264	0.065		923	0.135
	1263	0.065		1610	0.065
	1262	0.20		924	0.425
	1261	0.16		842	0.08
	1260	0.10		839	0.24
	1258	0.10		837	0.11
	1257	0.10		836	0.02

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Sakalpur No. 6 Sardari Circle Pindar:— <i>contd.</i>	925	0.19	Sahna No. 7 Sardari Circle Gaichhand— <i>contd.</i>	834	0.045
	931	0.11		833	0.065
	934	0.18		830	0.05
	935	0.002		827	0.09
	940	0.17		828	0.04
	1267	0.15		826	0.055
	1268	0.15		820	0.35
	1266	0.28		821	0.04
	930	0.04		822	0.035
	1277	0.285		814	0.025
	1280	0.085		930	0.01
	1279	0.16		825	0.015
Sahna No. 7 Sardari Circle Gaichhand	925	0.005	Kangoi No. 16 Sardari Circle Mihijam	1586	0.03
	926	0.015		1218	0.12
	927	0.105	Nawadih No. 12 Durgapur Sardari Circle Pindari.	27	0.005
	928	0.06			
	940	0.78			
	1001	0.03	Nayachak No. 587 Sardari Circle Madhupur.	101	0.02
	837	0.14			
	832	0.08			

[No. 31/47/63-ONG.]

**S.O. 2568.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such a pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

**SCHEDULE**

STATE—West Bengal.

Distt.—Midnapur.

TEHSIL/THANA—Daspur.

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Kultikari, J.L. 241	65	0.05	Kulti Kari, J.L. 241— <i>contd.</i>	91	0.04
	67	0.06		92	0.04
	69	0.12		93	0.01
	70	0.07		94	0.05
	71	0.06		95	0.10
	77	0.06		239	0.21
	78	0.01		240	0.10
	80	0.04		241	0.19
	81	0.09		242	0.05
	82	0.06		250	0.16
	87	0.10		251	0.02
	88	0.01		252	0.005
	89	0.10		253	0.10
	90	0.01			

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Kultikari, J.L. 241— <i>contd.</i>	254	·05	Kultikari, J.L. 241, — <i>contd.</i>	1424	·18
	255	·04		1427	·11
	256	·01		1430	·04
	258	·09		1431	·04
	259	·01		1432	·08
	285	·05		1433	·03
	667	·03		1448	·02
	668	·20		1450	·005
	669	·04		1451	·03
	672	·15		1452	·04
	673	·03		1453	·04
	674	·15		1454	·02
	830	·26		1455	·01
	834	·01		1456	·16
	836	·12		1458	·03
	837	·14		1459	·02
	838	·10		1460	·01
	839	·10		1461	·02
	841	·03		1462	·10
	842	·04		1463	·04
	844	·16		1464	·01
	848	·16		1465	·005
	854	·08		1870	·16
	855	·07		1874	·12
	856	·15		1877	·02
	859	·09		1878	·14
	860	·20		1879	·11
	861	·01		1880	·05
	1002	·13		1881	·16
	1010	·27		1930	·10
	1011	·03		1932	·10
	1022	·04		1936	·11
	1023	·10		1937	·03
	1024	·13		1940	·09
	1025	·10		1941	·01
	1027	·10		1943	·15
	1035	·07		1944	·09
	1036	·14		1948	·10
	1037	·02		1949	·005
	1039	·06		2752	·10
	1040	·01			
	1050	·07			
	1051	·05	Joteghanashayam,		
	1053	·06	J.L. 240 . . . . .	2639	·03
	1054	·11		2642	·07
	1055	·06		2643	·25
	1057	·10		2644	·005
	1058	·06		2645	·16
	1059	·02		2646	·02
	1060	·13		2651	·11
	1061	·12		2652	·07
	1062	·03		2653	·10
	1063	·10		2654	·02
	1072	·12		2655	·05
	1073	·02		2662	·11
	1132	·06		2663	·06
	1133	·09		2664	·02
	1134	·04		2665	·01
	1135	·15		2666	·11
	1136	·14		2681	·01
		·14		2686	·08
	1172	·01		2687	·07
	1177	·02		2688	·03
	1178	·28		2714	·10
	1179	·005		2715	·11
	1423	·14		2716	·10

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Joteghanashayam, J.L. 240,— <i>contd.</i>	2717	·005	Joteghanashayam, J. L. 240.— <i>contd.</i>	5633	·15
	2718	·02		5634	·14
	2719	·03		5636	·15
	2720	·05		5637	·11
	2721	·01		5638	·04
	2722	·08		5639	·17
	2723	·07		5659	·12
	2724	·08		5667	·05
	2740	·005		5668	·03
	2744	·25		5669	·02
	2746	·16		5670	·03
	2747	·14		5671	·005
	2748	·03		5677	·02
	2719	·02		5678	·02
	2781	·14		5679	·02
	2782	·15		5680	·01
	2784	·18		5681	·02
	2785	·03		5682	·03
	2786	·16		5683	·03
	2787	·03		5684	·04
	2788	·08		5685	·02
	2814	·02		5686	·005
	2815	·01		5688	·005
	4225	·005		5689	·06
	4227	·01		5692	·03
	4228	·11		5693	·02
	4229	·10		5694	·03
	4230	·02		5695	·005
	4231	·04		5697	·02
	4232	·005		5698	·02
	4250	·01		5700	·01
	4251	·06		5762	·005
	4252	·08		5763	·05
	4253	·06		5764	·08
	4254	·03		5765	·005
	4255	·18		5766	·01
	4262	·06		5780	·01
	4264	·005		5781	·02
	4265	·08		5782	·19
	4266	·14		5783	·26
	4267	·07		5803	·09
	4268	·01		5804	·12
	4270	·01		5811	·04
	4298	·04		5812	·10
	4299	·14		5813	·05
	4300	·05		5818	·01
	4301	·04		5819	·05
	4302	·06		5820	·12
	5488	·29		5821	·05
	5560	·02		5822	·03
	5561	·005		5823	·02
	5562	·02		5825	·04
	5563	·08		5826	·05
	5564	·10		5827	·04
	5565	·04		5828	·005
	5567	·04		6336	·01
	5574	·02		6337	·07
	5578	·04		6338	·16
	5579	·07		6339	·005
	5580	·01		6340	·04
	5581	·05		6341	·06
	5584	·02			
	5585	·07			
	5586	·16			

Village	Survey No. (Plot No.)	Extent (Arca)	Village	Survey No. (Plot No.)	Extent (Area)
Joteghanashayam, J.L. 204.— <i>contd.</i>	6342	·04	Joteghanshayam J.L. 240— <i>contd.</i>	6719	·06
	6343	·07		6720	·13
	6344	·05		6724	·11
	6345	·03		6725	·10
	6346	·07		6726	·21
	6347	·04		6727	·15
	6360	·07		6851	·10
	6361	·13		6852	·01
	6362	·15		6853	·07
	6363	·06		6854	·17
	6364	·10		6855	·09
	6372	·06		6886	·11
	6373	·04		6892	·07
	6374	·05		6893	·04
	6375	·08		6894	·06
	6377	·15		6895	·07
	6378	·07		6896	·11
	6715	·17			
	6718	·07			

[No. 31/33/63-ONG.]

B. SUBBA RAO, Under Secy.

New Delhi, the 31st August 1963

**S.O. 2569.**—In exercise of the powers conferred by section 27 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby makes the following rules to amend the Coal Bearing Areas (Acquisition and Development) Rules, 1957, namely:—

1. These rules may be called the Coal Bearing Areas (Acquisition and Development) Amendment Rules, 1963.

2. In the Coal Bearing Areas (Acquisition and Development) Rules, 1957, for rule 5, the following rule shall be substituted, namely:—

“5. *Maps, charts etc., to whom to be delivered*—All maps, charts and other documents referred to in sub-section (7) of section 13 shall be delivered to the Revenue Officer of the National Coal Development Corporation Limited within ninety days from the date of publication of the notice under sub-section (1) of section 4 of the Act.”

[No. C2-1(7)/63.]

A. S. GREWAL, Dy. Secy.

#### ERRATA

(1) The S.O. No. of Notification No. C2-22(14)/60, dated 17th August, 1963 of Ministry of Mines and Fuel, published in the Gazette of India, Part II—Section 3(ii), dated 24th August, 1963 on page 2803, may be read as “2393” in place of “2893”.

(2) In the Gazette of India, Part II—Section 3(ii), dated 24th August, 1963, on page 2807 the No. “C2-20(35)/62” appearing above the signature ‘A. Nabar, Under Secy.’ may be treated as deleted.

(3) At the end of S.O. 2394 on page 2807, above date of S.O. 2395, in the Gazette of India, Part II—Section 3(ii), dated 24th August, 1963, add “No. C2-20 (35)/62”.

(4) The Schedule appearing on page 2802 to page 2803 together with No. C225 (4)/61, of the Gazette of India, Part II—Section 3(ii), dated 24th August, 1963, may be added in S.O. 2395 after the word “following:—” on page 2807 of the above mentioned Gazette.



**MINISTRY OF FOOD AND AGRICULTURE**

**(Department of Agriculture)**

*New Delhi, the 30th August 1963*

**S.O. 2570.**—The following draft rules further to amend the Myrobalan Grading and Marking Rules, 1962, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 30th September, 1963.

Any objection or suggestion which may be received from any person with respect to the said draft before the date aforesaid will be considered by the Central Government.

1. These Rules may be called the Myrobalan Grading and Marking (Second Amendment) Rules, 1963.

2. In the Myrobalan Grading and Marking Rules, 1962—

(1) in Schedule I—

- (a) against item 1, in column (3), after the words "yellowish brown", the words "or yellowish red" shall be inserted;
- (b) against item 3, in column (3), for the words "Brownish black", the words "Dark brownish black" shall be substituted;

(2) in Schedule II—

- (a) the mark "@" occurring in column (6) against items 1 and 2 and the footnote explaining that mark shall be omitted;
- (b) against item 4, the following shall be inserted in column (6), namely:—  
"Shall be made from whole nuts comprising 60 per cent J.I. whole nuts and 40 per cent J.II. of Schedule I."

[No. F. 17-2/63-AM.]

**S.O. 2571.**—The following draft of certain amendments to the Pepper Grading and Marking Rules, 1961, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 25th September, 1963.

Any objection or suggestion, which may be received from any person with respect to the said draft before the date so specified, will be considered by the Central Government.

*Draft Amendment*

1. These rules may be called Pepper Grading and Marking (Amendment) Rules, 1963.

2. In the Pepper Grading and Marking Rules, 1961,—

- (i) in rules 3 and 4, for the words and figures "Schedules I to V", the words and figures, "Schedules I to V-A" shall be substituted;
- (ii) for the foot-note under Schedule III, the following foot-note shall be substituted, namely:—

"These comprise dust, chaff, pickings and other foreign matter. Pin-heads beyond 5 per cent for G.L. Grade 1 and beyond 10 per cent for G.L. Grade 2 will be regarded as extraneous matter."

(iii) after Schedule V, the following Schedule shall be inserted, namely :—

#### SCHEDULE V-A

(See Rules 3 and 4)

#### Grade Designations and Definitions of Quality of Garbled Tellichery. Hold Black-Pepper

Grade Designation	**Size (Dia. of holes in m.m. of the sieve on which retained)	Extraneous matter* not exceeding (per cent) (by weight)	Light berries not exceeding (per cent) by weight).	Moisture content not exceeding (per cent) by weight).	General Characteristics.
I	2	3	4	5	6
TSE.—B (Tellichery Special Extra Bold)	4.75	0.5	2.0	11.0	Shall be the dried mature berries of <i>Pepper nigrum</i> grown in South India, garbled,
TEB. 4 (Tellichery Extra Bold).	4.25	0.5	3.0	11.0	dark brown to dark black in colour, nearly globular with a wrinkled surface, the deepest wrinkles forming a net work on the dried berry. It shall be free from mould or insects or any other adulterant.

\*These comprise dust, chaff, picking and other foreign matter. Pinheads will not be allowed beyond 5% for TSE-B and 10% for TEB Grades.

\*\*Tolerance allowed is 5%.

[No. F.17-3/63-AM]

**S.O. 2572.**—The following draft of rules which the Central Government propose to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published, as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th September, 1963.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified, will be considered by the Central Government.

#### SENNA LEAVES AND PODS GRADING AND MARKING RULES, 1963

1. **Short title and application.**—(1) These rules may be called the Senna Leaves and Pods Grading and Marking Rules, 1963.

(2) They shall apply to Senna Leaves and Pods (*Cassia angustifolia*) produced in India.

2. **Definitions.**—In these rules:—

(1) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India;

(2) 'Schedule' means a Schedule appended to these rules.

3. **Grade designation.**—The grade designations to indicate the quality of Senna leaves and pods shall be as set out in column 1 of Schedules II to IV.

4. **Definition of Quality.**—The quality indicated by the grade designation shall be as set out against each grade designation in Schedules II to IV.

5. **Grade designation marks.**—The grade designation mark shall consist of a label specifying the grade designation and bearing a design (consisting of an outline map of India with the word 'AGMARK' and the figure of the rising sun, with the words 'Produce of India' and ('भारतीय उत्पाद') resembling the mark as set out in Schedule I.

6. **Method of marketing.**—The marks shall be applied to Senna leaves and pods in full pressed bales. The grade designation mark shall be securely attached to each bale in a manner approved by the Agricultural Marketing Adviser. In addition to the grade designation the following particulars shall be clearly marked on the Label:—

- (1) Serial number.....
- (2) Trade description.....
- (3) Year of harvest.....
- (4) Date of pressing.....

Provided that the authorised packer may, after obtaining the previous approval of the Agricultural Marketing Adviser, stamp or write his private trade mark also on the bale or package if such private trade mark represents the same description, quality and grade as indicated by the Agmark label.

7. **Method of packing.**—Senna leaves and pods shall be press-packed with a covering of new gunny cloth in bales with sufficient number of bands tightly placed around the bales of customary weights of 100 to 200 kgm.

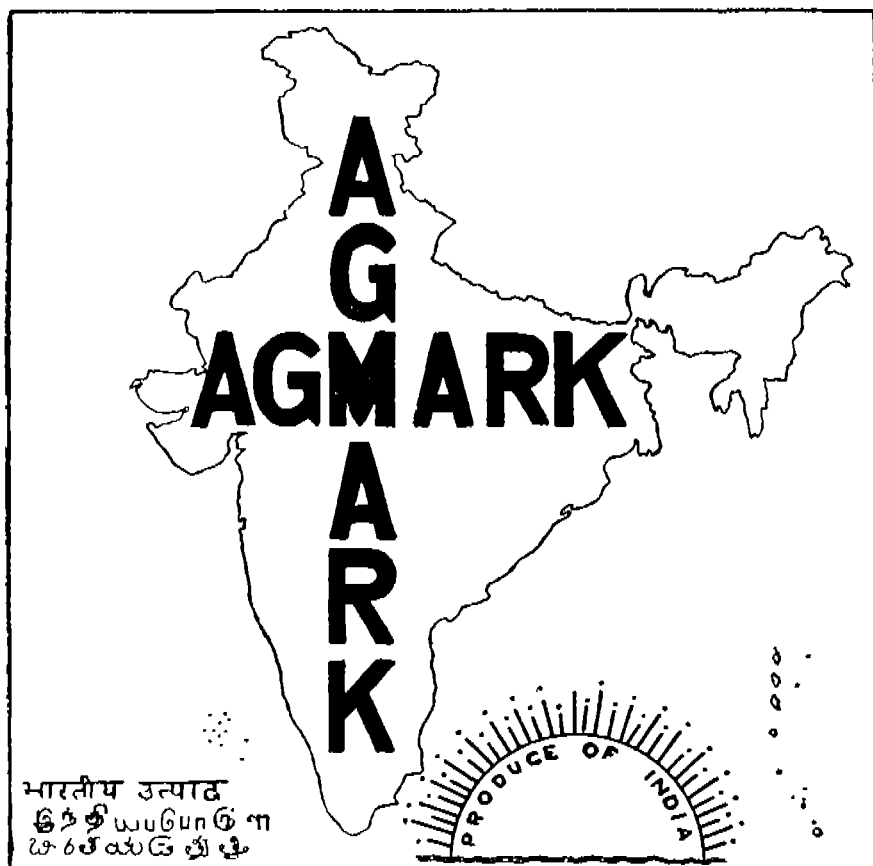
8. **Special conditions of certificate of authorisation.**—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the following shall be the conditions for every Certificate of Authorisation issued for the purposes of these rules:—

- (1) Supervision over the grading and marking of Senna leaves and pods shall be exercised by Inspecting Officer authorised by the Agricultural Marketing Adviser.
- (2) Senna leaves and pods shall be graded and marked only at such baling presses as can provide proper space and facilities for cleaning, grading and marking and are approved of as such by the Agricultural Marketing Adviser.
- (3) The authorised packers shall provide all reasonable facilities to the Inspecting Officers for carrying out their work of supervision and analysis, such facilities include the provision of a room for analysing samples.
- (4) Every holder of a Certificate of Authorisation shall, before removing or permitting any other buyer to remove any consignment of graded and marked bales of Senna leaves or pods from the grading premises, ensure that Inspecting Officers have had due notice, opportunity and facilities for carrying out check sampling and analysis in accordance with special instructions that may be issued by the Agricultural Marketing Adviser from time to time.

SCHEDULE I

*Grade designation mark for bales of Senna leaves and pods.*

(See rule 5)



NOTE.—The Tamil and Telugu words will not occur in case the commodities are graded for export.

# SCHEDULE II

(See rules 3 and 4)

Grade designations and definition of Prime quality of Senna leaves (*Cassia angustifolia*) known commercially as "Tinnevely Senna Leaves."

Grade Designation	Trade Name	Special Characteristics					General Characteristics
		*Size of leaf	Refraction			Blemish (B),%	
			Dust %	Dirt %	Stalks or Sticks %		
1	2	3	4	5	6	7	8
T. V. Bold	Bold	Large Sized leaves retained in sieves with mesh size of 1 eye in 1 cm. linear length.	..	..	2	3	1. Leaves shall be well developed and pale green in colour.
T. V. Extra Large	Prime No. 1	Leaves retained in sieve with mesh size of 3 eyes in 2½ cm. linear length.	..	..	2	4	2. Size, shape and aroma shall be characteristic of the plant.
T. V. Large	Prime No. 2	Leaves retained in sieve with mesh size of 4 eyes in 2½ cm. linear length.	..	..	2	5	3. The produce shall be reasonably dry and free from disease, insect attack and broken leaves.
T. V. Medium	Prime No. 3	Leaves retained in sieve with mesh size of 6 eyes in 2½ cm. linear length.	..	..	3	7	
T. V. Small	Prime No. 4	Leaves retained in sieve with mesh size of 8 eyes in 2½ cm. linear length.	..	..	4	8	
T. V. Unclassified	Prime Ungraded No. 4	Leaves of all sizes retained in sieve with mesh size of 8 eyes in 2½ cm. linear length.	3	2	5	10	
**Non-specified.							

\*\*Non-specified.

\*A tolerance for the next below mesh size will be permitted to the extent of 5% for the grade Bold, 10% for Prime No. 1, 15% for Prime No. 2 and 20% for other grades.

(B) Blemish covers damaged shrivelled and underdeveloped leaves, the nature of damage not affecting the inherent quality of the leaves.

Dust means small broken leaf pieces of Senna leaves only. Stalks or Sticks means Stalks and sticks belonging to Senna plants only.

\*\*The grade designation will be applicable against a "Firm Order" from a recognised manufacturer, according to specifications and blends which are not covered by the quality laid down in these rules.

SCHEDULE III  
(See rules 3 and 4)

*Grade designations and definition of Fair Average Quality of Senna Leaves (Cassia augustifolia) known commercially as "Tinnevely Senna Leaves."*

Grade Designation	Trade Name	Special Characteristics					General Characteristics.
		Size of leaf*	Refraction			Blemish (R) %	
			Dust %	Dirt %	Stalks or Sticks %		
1	2	3	4	5	6	7	8
T. V. No. 1	F.A.Q. No. 1	Leaves retained in sieve with mesh size of 3 eyes in $2\frac{1}{4}$ cm. linear length.	..	..	4	6	1. Leaves shall be well developed and pale yellowish green in colour.
T. V. No. 2	F.A.Q. No. 2	Leaves retained in sieve with mesh size of 4 eyes in $2\frac{1}{4}$ cm. linear length.	..	..	5	7	2. Size shape and aroma shall be of characteristic of the plant.
T. V. No. 3	F. A. Q. No. 3	Leaves retained in sieve with mesh size of 6 eyes in $2\frac{1}{2}$ cm. linear length.	1	..	6	8	3. The produce shall be reasonably dry and free from disease, insect attack and broken leaves.
T. V. No. 4	F.A.Q. No. 4	Leaves retained in sieve with mesh size of 8 eyes in $2\frac{1}{4}$ cm. linear length.	2	1	7	9	
T. V. unclassified	F.A.Q. ungraded No. 4	Leaves retained in sieve with mesh size of 8 eyes in $2\frac{1}{2}$ cm. linear length.	3	2	10	10	

\*\*Non-specified.

\*A tolerance for the next below mesh size will be permitted to the extent of 5% for the grade T.V. No. 1, 10% for T.V. No. 2, 15% for T.V. No. 3 and 20% for other grades.

(R) Blemish covers, damaged, shrivelled and under developed leaves, the nature of damage not affecting the inherent quality of the leaves.

\*\*The grade designation will be applicable against a "Firm order" from a recognised manufacturer, according to specifications and blends which are not covered by the quality laid down in these rules.

Dust means small broken leaf pieces of Senna leaves only. Stalks or Sticks mean Stalks and Sticks belonging to Senna plant only.

SCHEDULE IV  
(See rules 3 and 4)

*Grade designation and definition of quality of Sesia pods derived from plants botanically known as Cassia angustifolia*

Grade designation	Colour	General Characteristics
1	2	3
H. P. Pods—A . . .	Golden greenish yellow.	1. All the pods shall be fully mature, reasonably dry and free from mould or insect attack.
H. P. Pods—B . . .	Brownish yellow.	2. Their size, shape and aroma shall be characteristic of the plant.
F. A. Q. No. 1 . . .	Brownish black. . . . .	3. The produce shall be free from dirt, sticks, stones, leaves or dust or any other foreign matter.
F. A. Q. No. 2 . . .	Blackish brown or black. . . . .	4. The grade "pod-skins" will generally consist of broken pieces.
Pods Skins . . .	Dark black with brownish tint.	

[F. 17-23/63-AM]

**S.O. 2573.**—The following draft of Ambadi/Ambari Seeds Grading and Marking Rules, 1963, which the Central Government propose to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 25th September, 1963.

Any objection or suggestion, which may be received from any person with respect to the said draft before the date specified, will be considered by the Central Government.

### AMBADI SEEDS GRADING AND MARKING RULES, 1963

**1. Short title and application.**—(1) These rules may be called the Ambadi Seeds Grading and Marking Rules, 1963.

(2) They shall apply to Ambadi Seeds (seeds of plants botanically known as *Hibiscus Cannabinus* and *Hibiscus Sabdariffa*) produced in India.

**2. Definitions.**—In these rules—

(1) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India;

(2) 'Schedule' means a Schedule appended to these rules.

**3. Grade designation.**—The grade designation to indicate the quality of Ambadi seeds shall be as set out in column 1 of Schedule II.

**4. Definition of Quality.**—The quality indicated by the grade designation shall be as set out against each grade designation in columns 2 to 8 of Schedule II.

**5. Grade designation marks.**—The grade designation mark shall consist of a label specifying the grade designation and bearing a designation (consisting of an outline map of India with the word 'AGMARK' and the figure of the rising sun, with the words 'Produce of India' and ('भारत का उत्पाद') resembling the one as set out in Schedule I.

**6. Method of marking.**—(1) The grade designation mark shall be securely affixed to each container in a manner approved by the Agricultural Marketing Adviser.

(2) In addition to the grade designation mark, each container shall be clearly marked with such particulars and in such a manner as may be specified by the aforesaid officer.

(3) An authorised packer may, after obtaining the previous approval of the Agricultural Marketing Adviser, mark his private trade mark on a container, in a manner approved by the said officer, provided that the private trade mark does not represent quality or grade of Ambadi seeds different from that indicated by the grade designation mark affixed to the container in accordance with these rules.

**7. Method of packing.**—(1) Only sound, clean and dry containers made of jute, shall be used for packing. They shall be free from any insect infestation or fungus contamination and also free from any undesirable smell.

(2) The containers shall be securely closed and sealed in a manner approved by the Agricultural Marketing Adviser.

(3) Each package shall contain Ambadi seeds of one grade designation only.

**8. Special conditions of certificate of authorisation.**—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the following shall be the conditions of every Certificate of Authorisation issued for the purpose of these rules—

(1) An authorised packer shall make such arrangements for testing Ambadi seeds, as may be prescribed from time to time by the Agricultural Marketing Adviser.

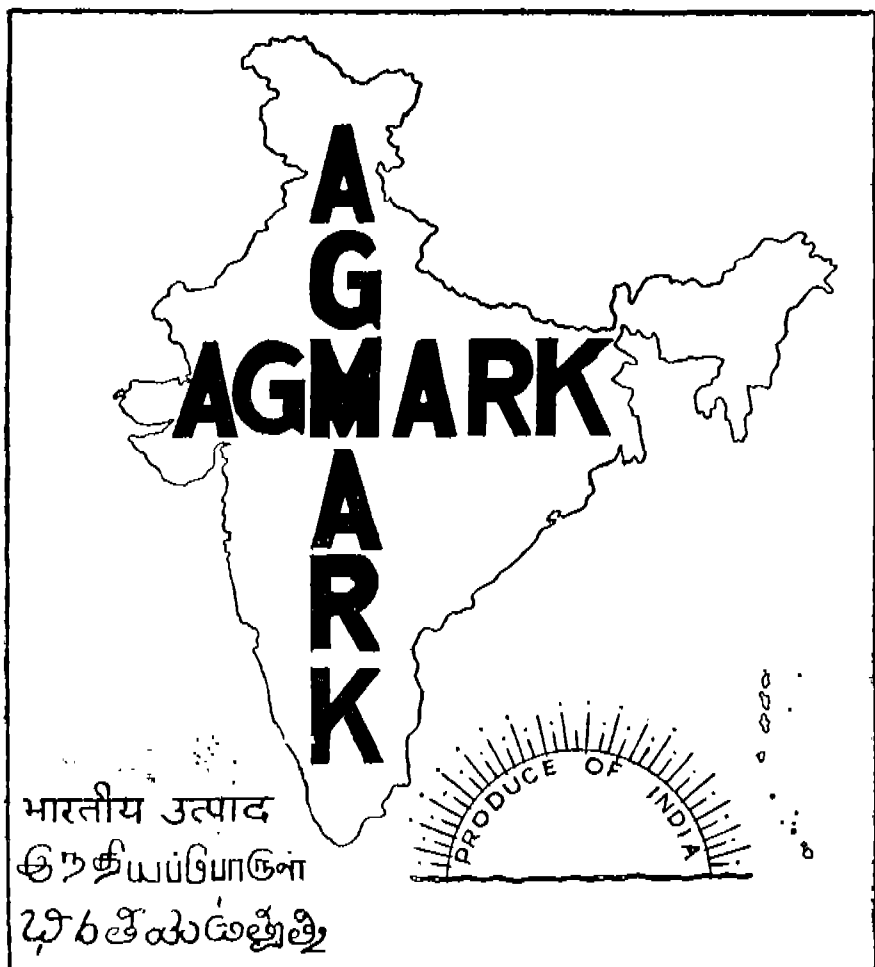
(2) An authorised packer shall provide all facilities to the Inspecting Officers duly authorised by the Agricultural Marketing Adviser, for sampling, testing etc., as may be specified.



SCHEDULE I

(See rule 5)

*Design for the Grade Designation Mark*



## SCHEDULE II

(See rules 3 and 4)

## Grade Designations and Definition of Quality of Ambadi Seeds.

Grade Designation	Special Characteristics						General Characteristics.
	Foreign matter (Percent) by weight	Other seeds (Edible) (Percent) by weight	Damaged & Discoloured seeds (Percent) by weight	Shrivelled and Immature seeds (Percent) by weight	Admixture of other types (percent) by weight	Weevilled seeds (Percent) by weight	
1	2	3	4	5	6	7	8
Grade I	1.00	0.50	0.25	1.00	0.25	0.00	(a) Ambadi Seeds shall :—
Grade II	2.00	1.00	0.25	1.50	0.50	1.00	be the dried, mature seeds of the plants botanically known as <i>Hibiscus Cama-</i> <i>binus</i> and <i>Hibiscus Sabdariffa</i> .
Grade III	4.00	2.00	0.50	2.00	1.00	2.00	(b) have uniform shape, size and colour.
							(c) be dry, clean and free from moulds, weevils, obnoxious smell, discolouration admixture of deleterious substances & all impurities except to the extent indi- cated in the Schedule.
							(d) be in sound merchantable condi- tion.

## Definitions :—

(a) *Foreign matter*:—Any foreign matter of the nature of dust, stones, lumps of earth and mud, chaff, stem, straw, non-edible seeds and other matter which which is not covered by any other item.

(b) *Damaged seeds*:—Seeds that are internally discoloured and spoiled by natural or unnatural factors.

(c) *Shrivelled and Immature seeds*:—Seeds which are not properly developed and having wrinkled surface.

(d) *Weevilled seeds*:—Seeds partially or wholly bored or eaten by weevil or any other insects.

NOTE :—For accidental errors, a tolerance is permissible upto 0.25, 0.5 and 1.0 per cent in excess of the tolerance specified in each of the Columns 2 & 5 for grades I, II and III respectively, and a tolerance is permissible upto 0.01, 0.05 and 0.25 per cent in excess of the tolerance specified in each of the columns 3, 4, 6 and 7 for grades I, II and III respectively.

[No. F. 17-24 63-AM]

**S.O. 2574.**—The following draft of Ginger Grading and Marking Rules, 1963, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is hereby published, as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 25th September 1963.

Any objection or suggestion which may be received from any person with respect to the said draft before the aforesaid date will be considered by the Central Government.

### GINGER GRADING AND MARKING RULES, 1963

**1. Short title and application.**—(1) These rules may be called the Ginger Grading and Marking Rules, 1963.

(2) They shall apply to Ginger (*Zingiber officinale*) produced in India and meant for export.

**2. Definitions.**—In these rules—

(1) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India.

(2) 'Schedule' means a Schedule appended to these rules.

**3. Grade Designations.**—The grade designations to indicate the quality of Ginger shall be as set out in column 1 of Schedules II to IX.

**4. Definition of Quality.**—The quality indicated by the grade designations shall be as set out against each grade designation in Schedules II to IX.

**5. Grade Designation Marks.**—The grade designation mark shall consist of a label specifying the grade designation and bearing a design (consisting of an outline map of India with the word 'AGMARK' and the figure of the rising sun, with the words 'produce of India' and 'भारतीय उत्पाद') resembling the one as set out in Schedule I.

**6. Methods of Marking.**—(1) The grade designation mark shall be securely affixed to each container in a manner approved by the Agricultural Marketing Adviser.

(2) In addition to the grade designation mark, each container shall be clearly marked with such particulars and in such manner as may be specified by the Agricultural Marketing Adviser.

(3) An authorised packer may, after obtaining the prior approval of the Agricultural Marketing Adviser, mark his private trade mark on a container, in a manner approved by the said Officer, provided that the private trade mark does not represent quality or grade of Ginger different from that indicated by the grade designation mark affixed to the container in accordance with these rules.

**7. Method of Packing.**—(1) Only sound, clean and dry containers made of jute, shall be used for packing. They shall be free from any insect infestation or fungus contamination and also free from any undesirable smell. The container may or may not be lined with cloth or polythene lining.

(2) The containers shall be securely closed and sealed in a manner approved by the Agricultural Marketing Adviser.

(3) Each package shall contain Ginger of one trade description and one grade designation only.

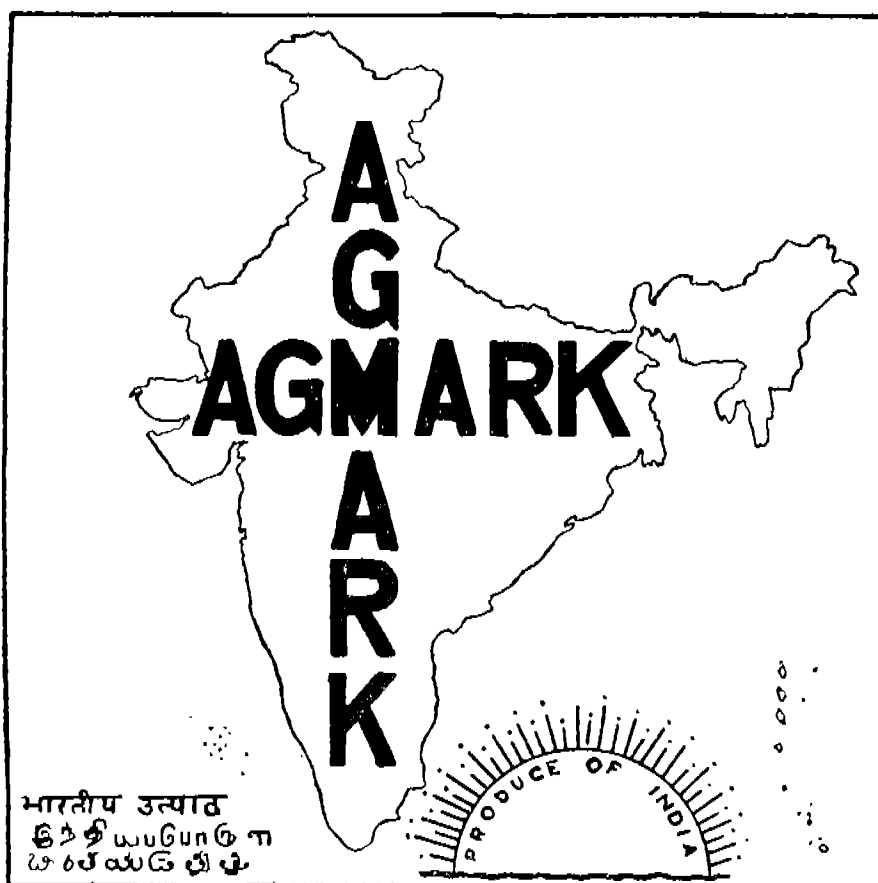
**8. Special conditions of Certificate of Authorisation.**—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the following shall be the conditions of every Certificate of Authorisation issued for the purpose of these rules, namely:—

(i) An authorised packer shall make such arrangements for testing Ginger, as may be prescribed by the Agricultural Marketing Adviser.

(ii) An authorised packer shall provide all facilities to the Inspecting Officers duly authorised by the Agricultural Marketing Adviser, for sampling, testing and such other matters.

## SCHEDULE I

(See rule 5)

*Design for the Grade designation mark.*

NOTE: The Tamil and Telugu words will not occur in the tales in case where commodities are graded for the purpose of export.

## SCHEDULE II

(See rules 3 and 4)

*Grade designation and definition of quality of garbled non-bleached Calicut ginger.*

Grade designations	Special Characteristics		General Characteristics
	*Size of rhizomes	Extraneous matter % (by weight) max.	
1	2	3	4
Garbled, non-bleached Calicut (NGK)	Not less than 15 mm. in length	2.0	The ginger, whole,— 1. shall be the dried rhizomes, of <i>Zingiber officinale</i> . Rose in pieces, irregular in shape and size, pale brown in colour with fibre content characteristic of the variety, with peel not entirely removed and light pieces removed by garbling.

1	2	3	4
			2. shall have characteristic taste and flavour, be wholesome and shall not have rancid or bitter taste or musty odour.
			3. shall be reasonably dry and reasonably free from moulds and insect infestation.

\*Tolerance for size : Maximum tolerance of 3% shall be allowed.

Extraneous matter : All foreign matter including the exhausted or spent ginger shall be considered as extraneous matter.

### SCHEDULE III

(See rules 3 and 4)

Grade designations and definitions of quality of ungraded non-bleached Calicut ginger.

Grade designation	Special Characteristics			General Characteristics
	Size of rhizomes	Extraneous matter % (by weight) max.	Very light pieces % by count max.	
Ungraded non-bleached Calicut (NUGK) Special.	Not less than 15mm. in length	3.0	5.0	The ginger, whole-- 1. shall be the dried rhizomes of <i>Zingiber officinale</i> Rosc. in pieces, irregular in shape and size, pale brown in colour with fibre content characteristic of the variety and with peel not entirely removed.
Ungraded non-bleached Calicut (NUGK) Good.	Do.	4.0	10.0	2. shall have characteristic taste and flavour, be wholesome and shall not have rancid or bitter taste or musty odour.
Ungraded non-bleached Calicut non-specified (NUGK) NS.	Do.	*	*	3. shall be reasonably dry and reasonably free from moulds and insect infestation.

Extraneous matter : All foreign matter including the exhaust or spent ginger shall be as extraneous matter.

\*As may be specified in the contract with the buyer.

Tolerance for size : A tolerance for size due to accidental error may be allowed upto 7 % in case of grade special and 15 % in case of grade 'Good'. In case of Non-specified grade no tolerance is prescribed and depends upon the terms of contract with the buyer.

Non-specified : is not a grade in its strict sense, but has been provided for the produce not covered by the other grades. Ginger under this grade shall be exported only against a 'Firm Order'.

'Firm Order' : means that the entire value of the ginger contracted for shall have obtained in advance by opening a cent per cent irrevocable letter of credit in India, which is encashable on the production of shipping bill supported by receipt of shipment or is guaranteed in any other way.

## SCHEDULE IV

(See rules 3 and 4)

*Grade designations and definition of quality of garbled non-bleached Cochin ginger.*

Grade designation	Special Characteristics		General Characteristics
	*Size of rhizomes	Extraneous matter % (by weight) max.	
Garbled, non-bleached Cochin (NGC)	Not less than 15 mm. in length	2.0	<p>The ginger, whole,—</p> <ol style="list-style-type: none"> <li>1. shall be the dried rhizomes of <i>Zingiber officinale</i> Rosc. in pieces, irregular in shape and size, pale brown in colour with fibre content characteristic of the variety, with peel not entirely removed and light pieces removed by garbling.</li> <li>2. shall have characteristic taste and flavour, be wholesome, and shall not have rancid or bitter taste or musty odour.</li> <li>3. shall be reasonably dry and reasonably free from moulds and insect infestation.</li> </ol>

\*Tolerance for size : Maximum tolerance of 3 % shall be allowed.

Extraneous matter: All foreign matter including the exhausted or spent ginger shall be considered as extraneous matter.

## SCHEDULE V]

(See rules 3 and 4)

*Grade designations and definition of quality of ungarbled non-bleached Cochin ginger.*

Grade designation	Special Characteristics			General Characteristics
	Size of rhizomes	Extraneous matter % by wt. (max.)	Very light pieces % by count, (max.)	
1	2	3	4	5
Ungarbled, non-bleached Cochin (NUGC) Special.	Not less than 15 mm in length	3.0	5.0	<p>The ginger, whole,—</p> <ol style="list-style-type: none"> <li>1. shall be the dried rhizomes of <i>Zingiber officinale</i> Rosc. in pieces, irregular in shape and size, pale brown in colour, with fibre content characteristic of the variety and with peel not entirely removed.</li> <li>2. shall have characteristic taste and flavour, be wholesome and shall not have rancid or bitter taste or musty odour.</li> </ol>
Ungarbled, non-bleached Cochin (NUGC) Good	Do.	4.0	10.0	

1	2	3	4	5
Ungarbled Non-bleached Cochin (NUGC) NS Non-specified.	Not less than 15 mm. in length.	*	*	3. shall be reasonably dry and reasonably free from moulds and insect infestation.

Extraneous matter: All foreign matter including the exhausted or spent ginger shall be considered as extraneous matter.

\*As may be specified in the contract with the buyer.

Tolerance for size—A tolerance for size due to accidental error, may be allowed upto 7% in case of grade "Special" and 15% in case of grade 'Good.' In case of "Non-specified" grade, no tolerance is prescribed and depends upon the terms of contract with the buyer.

Non-specified— Is not a grade in its strict sense, but has been provided for the produce not covered by the other grades. Ginger under this grade shall be exported only against a 'Firm Order'.

Firm Order— Means that the entire value of the goods contracted for, shall have been obtained in advance by opening a cent per cent irrevocable letter of credit in India, which is encashable on the production of shipping bill supported by receipt of shipment or is guaranteed in any other way.

#### SCHEDULE VI

(See rules 3 and 4)

*Grade designation and definitions of quality of garbled bleached Cochin ginger.*

Grade designation	Special Characteristics			General Characteristics
	*Size of rhizomes.	Extraneous matter % (by weight) maximum	Lime as CaO % (by weight) maximum	
Garbled bleached Cochin (BGC)	Not less than 15 mm. in length	2.0	2.5	The ginger, more whole,— 1. shall be the dried rhizome of <i>Zingiber officinale</i> Rosc. in pieces irregular in shape and size, pale brown in colour with fibre content characteristic of the variety with peel, not entirely removed lime bleached and light pieces removed by garbling. 2. shall have characteristic taste and flavour, be wholesome, and shall not have rancid or bitter taste or musty odour. 3. shall be reasonably dry and reasonably free from moulds and insect infestation.

\*Tolerance for size: maximum tolerance of 3% shall be allowed.

Extraneous matter: All foreign matter including the exhausted or spent ginger shall be considered as extraneous matter.

## SCHEDULE VII

(See rules 3 and 4)

*Grade designations and Definitions of quality of ungarbled bleached Cochin ginger.*

Grade designation	Special Characteristics				General Characteristics
	Size of rhizomes	Extraneous matter % (by weight) maximum	Very light pieces % (by count) maximum	Lime CaO % (by weight) maximum	
Ungarbled bleached Cochin (BUGC) Special.	Not less than 15 mm. in length.	3.0	5.0	4.0	The ginger, whole,— 1. shall be the dried rhizome of <i>Zingiber officinale</i> Rosc. in pieces, irregular in shape and size, pale brown in colour with fibre content characteristic of the variety, with peel not entirely removed and lime bleached.
Ungarbled bleached Cochin (BUGC) Good.	Do.	4.0	10.0	6.0	2. shall have characteristic taste and flavour, be wholesome, and shall not have rancid or bitter taste or musty odour.
Ungarbled bleached Cochin non specified (BUGC) NS.	Do.	*	*	*	3. shall be reasonably dry and reasonably free from moulds and insect infestation.

Extraneous matter : All foreign matter including the exhaust or spent ginger shall be considered as extraneous matter.

\*As may be specified in the contract with the buyer.

Tolerance for size : A tolerance for size due to accidental error may be allowed upto 7% in case of grade 'Special' and 15% in case of grade 'Good'. In case of Non specified grade tolerance is prescribed and depends upon the terms of contract with the buyer.

Non-specified : Is not a grade in its strict sense, but has been provided for the produce not covered by the other grades, Ginger under this grade shall be exported only against a 'Firm Order'.

'Firm Order' : Means that the entire value of the goods contracted for, shall have been obtained in advance by opening a cent per cent irrevocable letter of credit in India, which is encashable on the production of shipping bill supported by receipt of shipment or is guaranteed in any other way.



SCHEDULE VIII

(See rules 3 and 4)

Grade designation and definition of quality of garbled bleached Calicut Ginger

Grade designation	Special Characteristics			General Characteristics
	*Size of rhizomes	Extraneous matter % (by weight) maximum	Lime as CaO % (by weight) maximum	
Garbled, bleached, Calicut (BGK).	Not less than 15 mm. in length.	2.0	2.5	The ginger, whole,— 1. Shall be the dried rhizome of <i>Zingiber officinale</i> Rose. in pieces, irregular in shape size, pale brown in colour with fibre content characteristic of the variety, with peel not entirely removed, lime bleached and light pieces removed by garbling. 2. Shall have characteristic taste and flavour, be whole-some, and shall not have rancid or bitter taste or musty odour. 3. Shall be reasonably dry and reasonably free from moulds and insect infestation.

\*Tolerance of size : Maximum tolerance of 3% shall be allowed.

Extraneous matter : All foreign matter including the exhausted or spent ginger shall be considered as extraneous matter.

SCHEDULE IX

(See rules 3 and 4)

Grade Designations and definitions of quality of ungarbled bleached Calicut Ginger

Grade designation	Special Characteristics				General Characteristics
	Size of rhizomes	Extraneous matter % (by weight) maximum	Very light pieces % by count maximum	Lime as CaO % (by weight) maximum	
I	2	3	4	5	6
Ungarbled bleached Calicut (BUGK) Special.	Not less than 15 mm. in length.	3.0	5.0	4.0	The ginger, whole,— 1. Shall be the dried rhizomes of <i>Zingiber officinale</i> Rose. in pieces, irregular in

1	2	3	4	5	6
					shape and size, pale brown in colour with fibre content characteristic of the variety, with peel not entirely removed and lime bleached.
Ungarbled Calicut Good.	bleached (BUGK)	Not less than 15 mm in length.	4.0	10.0	6.0 2. Shall have characteristic taste and flavour, be wholesome, and shall not have rancid or bitter taste or musty odour.
Ungarbled Calicut Non-specified (BUGK) NS.	bleached	Do.	*	*	* 3. Shall be reasonably dry and reasonably free from moulds and insect infestation.

Extraneous matter : All foreign matter including the exhaust or spent ginger shall be considered as extraneous matter.

\*As may be specified in the contract with the buyer.

Tolerance for size : A tolerance for size due to accidental error may be allowed upto 7% in case of grade 'Special' and 15% in case of grade 'Good'. In case of 'Non-specified' grade no tolerance is prescribed and depends upon the terms of contract with the buyer.

Non-specified : Is not a grade in its strict sense, but has been provided for the produce not covered by the other grades. Ginger under this grade shall be exported only against a 'Firm Order'.

'Firm Order' : Means that the entire value of the goods contracted for, shall have been obtained in advance by opening a cent per cent irrevocable letter of credit in India, which is encashable on the production of shipping bill supported by receipt of shipment or is guaranteed in any other way.

[No. P. 17-9/63-AM(Pt).]

V. S. NIGAM,  
Under Secy.

(Department of Agriculture)

(I.C.A.R.)

New Delhi, the 31st August 1963

**S.O. 2575.**—The Government of Maharashtra having nominated Sarvashri G. R. Patil, M.L.A., Sangli and D. M. Nikam, M.L.A., Jalgaon, as members of the Indian Central Oilseeds Committee to represent the oilseeds growers of the State under Section 4(f) of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby notifies that the said Sarvashri G. R. Patil and D. M. Nikam shall be members of the Committee for the period ending the 31st March, 1966.

[No. 8-5/63-Com.III.]

N. K. DUTTA, Under Secy.